

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VONAGE HOLDINGS, CORP.,)	
)	
Plaintiff,)	C.A. No. 07-507 ***
)	
v.)	TRIAL BY JURY DEMANDED
)	
NORTEL NETWORKS, INC. and)	
NORTEL NETWORKS, LTD.,)	
)	
Defendants.)	

**MEMORANDUM IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS, TRANSFER OR STAY**

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October 10, 2007

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INTRODUCTION

This Court should dismiss, transfer or stay the declaratory judgment action Vonage has filed in this jurisdiction. Patent litigation involving internet telephony (also known as Voice over Packet, Voice over IP, Voice over Internet, or VoIP) has been ongoing between the parties in the Northern District of Texas for some time. This summer, Nortel sought leave to add to that litigation the patents that are the subject of this declaratory judgment case. Vonage waited 30 days, and then, after filing objections to Nortel's motion for leave to amend, it initiated this case. Vonage's tactical filing in this jurisdiction is an attempt at forum shopping that should be rejected.

Vonage has told the Texas court that it would be "more than willing" to litigate these issues in Texas. This court should let it do so. Initiation of this duplicative action, while Nortel's motion to add its claims in Texas is pending, is nothing more than wasteful gamesmanship. Thus, if Nortel's pending motion to add its patents to the Texas litigation is granted, Vonage's action in this Court will be the second-filed action regarding these patents and should be dismissed. If Nortel's motion to consolidate its patent claims into the ongoing litigation in Texas is denied, this Court should grant Vonage its wish, and transfer the present case to the Northern District of Texas as a standalone action. In the event that Nortel's motion to add its patent claims remains pending at the time this motion is heard, Nortel respectfully requests that the Court stay the present action until that motion is finally resolved.

PROCEDURAL BACKGROUND

On July 27, 2004, Digital Packet Licensing, Inc. ("DPL"), a predecessor to Vonage, commenced a patent infringement action in the Northern District of Texas against AT&T Corp., SBC Communications, Inc., Sprint Corp., and Verizon Communications, Inc. *Vonage Holding Corp. v. SBC Internet Services, Inc.*, 4:04-548 (N.D. Texas) (the "Texas Action"). (See Ex. 1,

Civil Docket for Case 4:04-548.) DPL alleged infringement of U.S. Patent No. 4,782,485, a patent which DPL asserted was related to VoIP telecommunication. In subsequent correspondence and filings, DPL alleged that certain of the defendants in the Texas Action infringed the '485 patent because they had installed and were operating VoIP equipment purchased from Nortel. On March 17, 2005, Nortel filed a declaratory judgment for noninfringement and invalidity with respect to the '485 Patent and another related patent, U.S. Patent No. 5,018,136. DPL's infringement action and Nortel's declaratory judgment action were consolidated by the Texas Court.

DPL later assigned to Vonage its right, title and interest in the '485 and '136 Patents (as well as U.S. Patent No. 5,444,707) and DPL then moved the Texas court to substitute Vonage for itself as a party to the consolidated action. On November 21, 2006, the Texas Court granted DPL's motion. As the new declaratory judgment defendant, Vonage answered Nortel's complaint on March 19, 2007 and asserted counterclaims alleging that Nortel's products infringed the '485, '136, and '707 Patents.¹ Nortel filed its Reply to Vonage's Counterclaims on April 9, 2007.

Unlike DPL, which had no business beyond licensing its patents to others, Vonage is a competitor of Nortel's customers and provides broadband telephone services and equipment for VoIP communications. Nortel is the owner of over 3,000 United States patents, including many involving VoIP. On July 17, 2007, Nortel moved for leave to amend its Reply in order to add claims that Vonage's broadband service and equipment infringe three Nortel VoIP patents: U.S. Patents Nos. 6,091,808, 6,445,695 and 7,050,861 (the "Nortel Asserted Patents"). Vonage

¹ DPL had initially moved to dismiss Nortel's declaratory judgment action. When that motion was denied, DPL sought and received discovery in order to determine whether it was willing to stand by its earlier infringement allegations. The '485 Patent was sold to Vonage before DPL took a position on that issue, so Vonage's March 2007 pleading was the first one by an owner of the patents to actually allege infringement by Nortel.

opposed Nortel's motion for leave. That motion is now fully briefed and is pending in the Texas Action.

On August 17, 2007 -- ten days after filing its opposition to Nortel's motion for leave to amend and exactly a month after the motion for leave was initially filed -- Vonage sought to commence the present action requesting a declaratory judgment with respect to each of the Nortel Asserted Patents.

ARGUMENT

I. THIS ACTION SHOULD BE DISMISSED OR, IN THE ALTERNATIVE, TRANSFERRED OR STAYED

A. If Nortel's Motion to Add Claims in Texas is Granted, the Present Action Should be Dismissed

This case should be dismissed because it is likely to become the second-filed case between the parties concerning the infringement of the Nortel Asserted Patents. Under the first-filed rule, "[i]n all cases of concurrent jurisdiction, the court which first has possession of the subject must decide it." *Crosley Corp. v. Hazeltine Corp.*, 122 F.2d 925, 929 (3d Cir. 1941) (quoting *Smith v. M'Iver*, 22 U.S. 532, 535 (1824)). As a result, a second-filed action should be stayed or dismissed in favor of the first filed action. *Peregrine Corp. v. Peregrine Indus., Inc.*, 769 F. Supp. 169, 174 (E.D. Pa. 1991) ("when there are two lawsuits involving the same parties and the same issues pending in two different courts, the first-filed action takes priority over the second-filed action and should proceed with the litigation").

Here there is no allegation that the Texas Court would lack jurisdiction over the counterclaims Nortel has tendered to it. Nor can there be any dispute that the Texas Court "has possession of the subject" of the Nortel Asserted Patents, since they have been squarely presented to it for adjudication. Hence, if Nortel's motion is granted in Texas, Nortel's claims

for infringement of the Nortel Asserted Patents should be considered the first-filed claim with respect to these patents. Vonage's declaratory judgment claim in this Court would then be considered the second-filed case, and immediate dismissal would be appropriate.

Even if Nortel had not been the first filer, dismissal of this action would still be appropriate in light of Vonage's blatant forum shopping. Rather than sticking with its initial choice of forum, rather than litigating all VoIP claims between the parties in the forum where the parties are already present, and rather than respecting Nortel's expressed preference to litigate its patents in Texas, Vonage asks that this controversy be heard here. It is unclear whether Vonage desires to be a defendant in Delaware or is reluctant to be one in Fort Worth, but it really does not matter. As this Court has noted, "Courts have rejected the first-to-file rule 'when the first-filing party instituted suit in one forum in anticipation of imminent judicial proceedings by opposing party's imminent suit in another, less favorable, forum.'" *Time Warner Cable, Inc. v. GPNE Corp.*, 497 F. Supp. 2d 584, 590 (D. Del. 2007). Here, of course, there is not merely an "imminent judicial proceeding," there is an actual one. Whatever the source of Vonage's sudden fondness for Wilmington, it is not a proper basis for sustaining this action. *See also Equal Employment Opportunity Comm'n v. Univ. of Pa.*, 850 F.2d 969, 976 (3d Cir. 1988), *aff'd*, 493 U.S. 182 (1990) ("Bad faith . . . and forum shopping have always been regarded as proper bases for departing from the [first-filed] rule").

B. If Nortel's Motion to Add Claims in Texas is Denied, the Present Action Should be Transferred

Even if Nortel's motion to bring its claims in the existing Texas Action were denied (for example, for scheduling reasons), this action should be transferred to the Northern District of Texas as a standalone case. Transfer pursuant to 28 U.S.C. § 1404 requires consideration of both public and private interests related to the action. *Jumara v. State Farm Ins. Co.*, 55 F.3d 873,

879 (3d Cir. 1995) (“[w]hile there is no definitive formula or list of the factors to consider . . . courts have considered many variants of the private and public interests protected by the language of §1404(a).”). Private interests may include: plaintiff’s forum choice; defendant’s preference; convenience of the parties; convenience of the witnesses; and the location of books and records. *Id.* Public interests may include: enforceability of the judgment; practical considerations; the relative administrative difficulty in the two fora resulting from court congestion; and local interest in deciding local controversies at home. *Id.* at 879-80.

In this case, both the private and public interests would be served by transferring the case to the Northern District of Texas. Nortel has expressed its desire to litigate its patents in Texas by moving to add its patent claims to the pending Texas Action. Nortel confirms its desire to litigate in Texas by bringing the present motion. For its part, Vonage cannot complain that litigating the Nortel Asserted Patents in Texas would be unfair or inconvenient. Rather, seeking to disclaim its forum shopping to the Texas judge, Vonage has flat out said that “Vonage is more than willing to litigate the Nortel patents in [the Texas Court] provided Nortel’s claims are litigated in a new and separate case.” (Ex. 2, Vonage Motion for Leave to File Sur-Reply at 3.) Under these circumstances, the private interests favor litigating Nortel’s patents claims in Texas.²

Likewise, the public interest also favors litigating the claims in Texas. Judge Means of the Northern District of Texas has been presiding over the Texas Action for years and has familiarity with the parties and the technology at issue. Coordinated discovery in Texas will prove to be more efficient than conducting a completely separate action in Delaware. Having the same Court overseeing the separate, but related, claims will also assure that inconsistent

² Convenience of the witnesses appears to be a non-factor. Neither party has any operations in this district. Vonage is based in New Jersey. Nortel has a substantial facility in Richardson, Texas, about 45 miles from Fort Worth, but it is unclear how many personnel from that facility will be called upon to testify. Other Nortel locations include Research Triangle Park in North Carolina; Brampton, Ontario; Santa Clara, California; Billerica, Massachusetts; Valbonne, France; and Maidenhead, UK.

determinations and positions are avoided. Because both the private and public interests would be best served by litigating Nortel's patents in Texas, this Court should transfer the current action to Judge Means in the Northern District of Texas.

C. If Nortel's Motion to Add Claims in Texas is not yet Decided, the Present Action Should be Stayed

Lastly, if the Texas court has not yet ruled on Nortel's motion to add its patents to the pending litigation between the parties in Fort Worth at the time this motion is to be decided, the present action should be stayed pending resolution of that motion in the Texas Court. Commencing discovery and/or motion practice in this Court would – potentially unnecessarily – consume the resources of the parties and this Court. Moreover, neither party would be prejudiced by the short delay that may result by waiting for the court in Texas to rule on Nortel's motion to add its patent claims. Given the opportunity to conserve private and judicial resources and the lack of any concrete harm to any party by doing so, this Court should stay this action until the proper jurisdiction for the assertion of Nortel's patent claims against Vonage has been determined.

II. CONCLUSION

For the reasons discussed herein, Nortel respectfully requests that its motion be granted and this action be dismissed, or in the alternative, transferred or stayed.

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October 10, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 10, 2007, the attached **MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS, TRANSFER OR STAY** was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following counsel of record:

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EXHIBIT 1

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Northern District of Texas (Fort Worth)
CIVIL DOCKET FOR CASE #: 4:04-cv-00548**

Digital Packet Licensing Incorporated v. AT&T Corp et al
Assigned to: Judge Terry R Means
Cause: 15:1126 Patent Infringement

Date Filed: 07/27/2004
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

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ATTORNEY TO BE NOTICED

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Suite 4100
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ATTORNEY TO BE NOTICED

Robert H Reckers
(See above for address)
ATTORNEY TO BE NOTICED

Walter R Brookhart
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Digital Packet Licensing
Incorporated**
TERMINATED: 11/21/2006

Counter Claimant

Vonage Holdings Corporation
Infringement plaintiff

represented by **Scott W Doyle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony Onorato
(See above for address)
ATTORNEY TO BE NOTICED

Edward E Casto, Jr
(See above for address)
TERMINATED: 08/24/2007

Jonathan T Suder
(See above for address)

TERMINATED: 11/21/2006

Keith A Rutherford

(See above for address)

TERMINATED: 01/29/2007

ATTORNEY TO BE NOTICED

Louis Brucculeri

(See above for address)

TERMINATED: 01/29/2007

ATTORNEY TO BE NOTICED

R Whitney Winston

(See above for address)

ATTORNEY TO BE NOTICED

Ralph H Duggins

(See above for address)

ATTORNEY TO BE NOTICED

Russell T Wong

(See above for address)

TERMINATED: 01/29/2007

ATTORNEY TO BE NOTICED

Scott A Fredricks

(See above for address)

ATTORNEY TO BE NOTICED

William M Bosch

(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter Defendant

Nortel Networks Inc

represented by **Charles M Hosch**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Katherine Rozier Fite

(See above for address)

ATTORNEY TO BE NOTICED

Kevin J O'Shea

(See above for address)

Maurcen R Aidasani

(See above for address)

ATTORNEY TO BE NOTICED

Michael L Brody
(See above for address)
ATTORNEY TO BE NOTICED

Timothy P O'Connor
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Bell Atlantic Communications Inc

represented by **Bryant C Boren**
(See above for address)
ATTORNEY TO BE NOTICED

Christopher W Kennerly
(See above for address)
ATTORNEY TO BE NOTICED

Fernando Rodriguez, Jr
(See above for address)
ATTORNEY TO BE NOTICED

Timothy S Durst
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Vonage Holdings Corporation
Infringement plaintiff

represented by **Scott W Doyle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony Onorato
(See above for address)
ATTORNEY TO BE NOTICED

Edward E Casto, Jr
(See above for address)
TERMINATED: 08/24/2007

Jonathan T Suder
(See above for address)
TERMINATED: 11/21/2006

Keith A Rutherford
(See above for address)
TERMINATED: 01/29/2007

ATTORNEY TO BE NOTICED

Louis Brucculeri
(See above for address)
TERMINATED: 01/29/2007
ATTORNEY TO BE NOTICED

R Whitney Winston
(See above for address)
ATTORNEY TO BE NOTICED

Ralph H Duggins
(See above for address)
ATTORNEY TO BE NOTICED

Russell T Wong
(See above for address)
TERMINATED: 01/29/2007
ATTORNEY TO BE NOTICED

Scott A Fredricks
(See above for address)
ATTORNEY TO BE NOTICED

William M Bosch
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Central Telephone Company of
Texas**

represented by **Lea F Courington**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark C Nelson
(See above for address)
LEAD ATTORNEY

Gerald Thomas Welch
(See above for address)

V.

Counter Defendant

Vonage Holdings Corporation
Infringement plaintiff

represented by **Scott W Doyle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony Onorato

(See above for address)
ATTORNEY TO BE NOTICED

Edward E Casto, Jr
(See above for address)
TERMINATED: 08/24/2007

Jonathan T Suder
(See above for address)
TERMINATED: 11/21/2006

Keith A Rutherford
(See above for address)
TERMINATED: 01/29/2007
ATTORNEY TO BE NOTICED

Louis Brucculeri
(See above for address)
TERMINATED: 01/29/2007
ATTORNEY TO BE NOTICED

R Whitney Winston
(See above for address)
ATTORNEY TO BE NOTICED

Ralph H Duggins
(See above for address)
ATTORNEY TO BE NOTICED

Russell T Wong
(See above for address)
TERMINATED: 01/29/2007
ATTORNEY TO BE NOTICED

Scott A Fredricks
(See above for address)
ATTORNEY TO BE NOTICED

William M Bosch
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

**Sprint Communications Company
L.P.**

represented by **Lea F Courington**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jenifer L Balch
(See above for address)

ATTORNEY TO BE NOTICED

Robert H Reckers
(See above for address)
ATTORNEY TO BE NOTICED

Walter R Brookhart
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Vonage Holdings Corporation
Declaratory Judgment Defendant

represented by **Scott W Doyle**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony Onorato
(See above for address)
ATTORNEY TO BE NOTICED

Edward E Casto, Jr
(See above for address)
TERMINATED: 08/24/2007

Jonathan T Suder
(See above for address)
TERMINATED: 11/21/2006

Keith A Rutherford
(See above for address)
TERMINATED: 01/29/2007
ATTORNEY TO BE NOTICED

Louis Brucculeri
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TERMINATED: 01/29/2007
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R Whitney Winston
(See above for address)
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Ralph H Duggins
(See above for address)
ATTORNEY TO BE NOTICED

Russell T Wong
(See above for address)

TERMINATED: 01/29/2007
ATTORNEY TO BE NOTICED

Scott A Fredricks
 (See above for address)
ATTORNEY TO BE NOTICED

William M Bosch
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/27/2004	<u>1</u>	COMPLAINT against all defendants (Filing fee \$150; Receipt number 49649), filed by Digital Packet Licensing Incorporated.(jmb,) (Entered: 07/28/2004)
07/27/2004		DEMAND for Trial by Jury by Digital Packet Licensing Incorporated. (jmb,)on face of complaint (Entered: 07/28/2004)
07/27/2004	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Digital Packet Licensing Incorporated. (jmb,) (Entered: 07/28/2004)
07/27/2004	<u>3</u>	Summons Issued as to AT&T Corp, SBC Communications Inc., Sprint Corporation, Verizon Communications Inc. (jmb,) (Entered: 07/28/2004)
11/10/2004	<u>4</u>	***UNFILED PER ORDER 11/12/04*** MOTION to Enlarge Time to Serve Defendants by Digital Packet Licensing Incorporated with Memorandum in Support. (dld,) Modified on 11/15/2004 (pdm,). (Entered: 11/12/2004)
11/12/2004	<u>5</u>	Order Unfiling <u>4</u> MOTION to Extend Time to Serve Defendants filed by Digital Packet Licensing Incorporated due to the following deficiency: No Cert. of Service, no Cert. of Conference. (Signed by Judge Terry R Means on 11/12/04) (pdm,) (Entered: 11/15/2004)
11/16/2004	<u>6</u>	PLA'S AMENDED MOTION to Extend Time to Serve dfts by Digital Packet Licensing Incorporated with Memorandum in Support. (mjw,) (Entered: 11/17/2004)
11/17/2004	<u>7</u>	ORDER granting <u>6</u> Plaintiff's Amended Motion to Enlarge Time to Serve Defendants....ptlf shall have until Jan 8 2005 to serve defts. (Signed by Judge Terry R Means on 11/17/04) (wrb,) (Entered: 11/18/2004)
01/07/2005	<u>8</u>	NOTICE of Service of Process filed by Digital Packet Licensing Incorporated in compliance to Nov 17, 2004 order (dld,) (Entered: 01/11/2005)
01/10/2005	<u>9</u>	SUMMONS Returned Executed as to AT&T Corp by delivering to CT Corp System, It's registered agent by delivering to Shirley Dillon, agent authorized to accept; executed on 1/5/05 by process server, Kirk French;

		answer due 1/25/2005. (dld,) (Entered: 01/11/2005)
01/10/2005	<u>10</u>	SUMMONS Returned Executed as to Verizon Communications Inc by delivering to CT Corp System, It's registered agent by delivering to Shirley Dillon, agent authorized to accept; executed on 1/5/05 by process server, Kirk French;, answer due 1/25/2005. (dld,) (Entered: 01/11/2005)
01/10/2005	<u>11</u>	SUMMONS Returned Executed as to SBC Communications Inc. by delivering to CT Corp System, It's registered agent by delivering to Shirley Dillon, agent authorized to accept; executed on 1/5/05 by process server, Kirk French; answer due 1/25/2005. (dld,) (Entered: 01/11/2005)
01/19/2005	<u>12</u>	Summons Reissued as to Verizon Communications Inc. (dld,) (Entered: 01/20/2005)
01/19/2005	<u>13</u>	SUMMONS Returned Executed as to Sprint Corporation served on 1/6/2005 by Terry Breese at 1-800-SERVE-EM by personally delivering and serving upon Teresa Burns, secretary, authorized to accept service at 200 SW 30th St, Topeka, KS; answer due 1/26/2005. (dld,) (Entered: 01/20/2005)
01/20/2005	<u>14</u>	Plaintiff's Unopposed Motion for Extension of Time for Defendant AT&T Corp to Answer or Otherwise Respond to Plaintiff's Original Complaint by Digital Packet Licensing Incorporated with Memorandum in Support. (dld,) (Entered: 01/20/2005)
01/21/2005	<u>15</u>	ORDER granting <u>14</u> Motion for Extension of Time to File Answer AT&T Corp answer due 3/1/2005. (Signed by Judge Terry R Means on 1/21/05) (wrb,) (Entered: 01/21/2005)
01/25/2005	<u>16</u>	ANSWER to Complaint with Jury Demand by SBC Communications Inc..(wrb,) (Entered: 01/26/2005)
01/26/2005	<u>17</u>	Unopposed Motion for Extension of Time to File Answer by Sprint Corporation (dld,) (Entered: 01/27/2005)
01/31/2005	<u>18</u>	ORDER granting <u>17</u> Motion for Extension of Time to File Answer Sprint Corporation answer due 2/7/2005. (Signed by Judge Terry R Means on 1/31/05) (wrb,) (Entered: 02/01/2005)
02/07/2005	<u>19</u>	ANSWER to Complaint with Jury Demand, COUNTERCLAIM against Digital Packet Licensing Incorporated by Sprint Corporation.(wrb,) (Entered: 02/09/2005)
02/07/2005	<u>20</u>	CERTIFICATE OF INTERESTED PERSONS by Sprint Corporation. (wrb,) (Entered: 02/09/2005)
02/08/2005	<u>21</u>	Application and Order for Admission Pro Hac Vice by Adam P Seitz for Sprint Corporation (Signed by Judge Terry R Means on 2/8/05) (wrb,) (Entered: 02/10/2005)
02/08/2005	<u>22</u>	Application and Order for Admission Pro Hac Vice by John E Gibson for Sprint Corporation (Signed by Judge Terry R Means on 2/8/05) (wrb,) (Entered: 02/10/2005)

02/08/2005	<u>23</u>	Application and Order for Admission Pro Hac Vice by B Trent Webb for Sprint Corporation (Signed by Judge Terry R Means on 2/8/05) (wrb,) (Entered: 02/10/2005)
02/14/2005	<u>24</u>	MOTION to Dismiss by Verizon Communications Inc with Brief in Support. (tle,) (Entered: 02/15/2005)
02/14/2005	<u>25</u>	Appendix in Support re <u>24</u> MOTION to Dismiss filed by Verizon Communications Inc. (tle,) (Entered: 02/15/2005)
02/14/2005	<u>26</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Verizon Communications Inc. (tle,) (Entered: 02/15/2005)
02/23/2005	<u>27</u>	Letter from Sec. of State, State of Tx (wrb,) (Entered: 02/25/2005)
02/23/2005	<u>28</u>	REPLY TO Defendant Sprint Corporation's <u>19</u> Answer and Counterclaims filed by Digital Packet Licensing Incorporated. (wrb,) (Entered: 02/25/2005)
03/02/2005	<u>29</u>	Plaintiff's Unopposed Motion to Extend Time for Defendant AT&T Corp to Answer or Otherwise Respond to Plaintiff's Original Complaint and Memorandum in Support thereof by Digital Packet Licensing Incorporated (wrb,) (Entered: 03/02/2005)
03/03/2005	<u>30</u>	ORDER granting <u>29</u> Motion for Extension of Time to File Answer re <u>29</u> Motion for Extension of Time to File Answer AT&T Corp answer due 4/4/2005. (Signed by Judge Terry R Means on 3/3/05) (wrb,) (Entered: 03/03/2005)
03/04/2005	<u>31</u>	Plaintiff's Unopposed MOTION To Extend Time for Plaintiff to Respond to Defendant Verizon Communications, Inc's Motion to Dismiss by Digital Packet Licensing Incorporated (wrb,) (Entered: 03/07/2005)
03/09/2005	<u>32</u>	ORDER granting <u>31</u> Motion To Extend Time for Plaintiff to Respond to Defendant Verizon Communications, Inc's Motion to Dismiss by March 16, 2005. See order for specifics. (Signed by Judge Terry R Means on 3/9/05) (dld,) (Entered: 03/09/2005)
03/16/2005	<u>33</u>	[unfiled per order of Mar 24 2005] OPPOSITION to Verizon's Motion to Dismiss, MOTION to Amend <u>1</u> Complaint, MOTION For Time To Engage In Discovery Relating To Verizon's Contacts With Texas by Digital Packet Licensing Incorporated with Brief in Support. (dld,) Modified on 3/25/2005 (wrb,). (Entered: 03/16/2005)
03/16/2005	<u>34</u>	Appendix in Support re <u>33</u> MOTION to Amend/Correct <u>1</u> Complaint MOTION For Time To Engage In Discovery Relating To Verizon's Contacts With Texas filed by Digital Packet Licensing Incorporated. (dld,) (Entered: 03/16/2005)
03/24/2005	<u>35</u>	Order Unfiling <u>33</u> MOTION to Amend/Correct <u>1</u> Complaint MOTION For Time To Engage In Discovery Relating To Verizon's Contacts With Texas MOTION For Time To Engage In Discovery Relating To Verizon's Contacts With Texas filed by Digital Packet Licensing

		Incorporated, due to the following deficiency: see LR 15.1. (Signed by Judge Terry R Means on 3/24/05) (wrb,) (Entered: 03/25/2005)
03/28/2005	<u>36</u>	Opposition re <u>24</u> Verizon's MOTION to Dismiss filed by Digital Packet Licensing Incorporated. (dld,) (Entered: 03/29/2005)
03/28/2005	<u>37</u>	Appendix in Support <u>24</u> Verizon's MOTION to Dismiss filed by Digital Packet Licensing Incorporated. (dld,) (Entered: 03/29/2005)
04/04/2005	<u>38</u>	ANSWER to First Amended Original Complaint and Counterclaims by AT&T Corp.(wrb,) (Entered: 04/05/2005)
04/04/2005	<u>39</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by AT&T Corp. (wrb,) (Entered: 04/05/2005)
04/05/2005	<u>40</u>	{unfiled per order of Apr 6 2005} Unopposed MOTION for Extension of Time to File Responsive Papers by Verizon Communications Inc (wrb,) Modified on 4/13/2005 (wrb,). (Entered: 04/05/2005)
04/06/2005	<u>42</u>	Order Unfiling <u>40</u> MOTION for Extension of Time to File Response/Reply filed by Verizon Communications Inc, due to the following deficiency: cert of conf -see LR 7.1(b). (Signed by Judge Terry R Means on 4/6/05) (wrb,) (Entered: 04/13/2005)
04/08/2005	<u>41</u>	ORDER CONSOLIDATING CASES:...Case consolidated with 4-05-cv-224-Y. all future filings in these cases shall contain case number "4:04-CV-548-Y" and legend "Consolidated w/ 4:05-CV-224-Y." Further ordered that as result of this consolidation, case no. 4:05-CV-224-Y is administratively closed; clerk shall note closing on court's docket (Signed by Judge Terry R Means on 4/8/05) (pdm,) (Entered: 04/11/2005)
04/12/2005	<u>43</u>	Application and Order for Admission Pro Hac Vice by Joseph P Zammit for AT&T Corp (Signed by Judge Terry R Means on 4/12/05) (wrb,) (Entered: 04/13/2005)
04/12/2005	<u>44</u>	Application and Order for Admission Pro Hac Vice by C Andrew Im for AT&T Corp (Signed by Judge Terry R Means on 4/12/05) (wrb,) (Entered: 04/13/2005)
04/13/2005	<u>45</u>	MOTION for Extension of Time to File Responsive Papers by Verizon Communications Inc (wrb,) (Entered: 04/15/2005)
04/14/2005	<u>46</u>	ORDER granting <u>45</u> Motion to Extend Time to File Response/Reply. Responses due by 5/2/2005 (Signed by Judge Terry R Means on 4/14/05) (wrb,) (Entered: 04/15/2005)
04/19/2005	<u>47</u>	ORDER REQUIRING COUNSEL AND PRO-SE, NON-PRISONER LITIGANTS TO REGISTER FOR NOTICE BY ELECTRONIC TRANSMISSION AND REQUIRING ELECTRONIC SUBMISSION OF PROPOSED ORDERS; nlt May 28 2005. (Signed by Judge Terry R Means on 4/19/05) (wrb,) (Entered: 04/20/2005)
04/20/2005	<u>48</u>	ANSWER (Reply) to Counterclaim with Jury Demand by Digital Packet Licensing Incorporated.(pdm,) (Entered: 04/20/2005)

04/21/2005	<u>49</u>	Application and Order for Admission Pro Hac Vice by Michael L Brody for Nortel Networks Inc (Signed by Judge Terry R Means on 4/21/2005) (dld,) (Entered: 04/21/2005)
04/26/2005	<u>50</u>	ORDER TO SUBMIT JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN: joint status report and proposed discovery plan due 30 days of date of the filing of this order; see order for specifics. (Signed by Judge Terry R Means on 4/26/05) (dld,) (Entered: 04/27/2005)
04/27/2005	<u>51</u>	AGREED MOTION by Digital Packet Licensing Incorporated, Verizon Communications Inc with Memorandum in Support. (dld,) (Entered: 04/28/2005)
04/29/2005	<u>52</u>	ORDER granting <u>51</u> Agreed Motion; withdrawing 2/14/05 Motion to dismiss; withdrawing plaintiff's (a) Opposition to VCI's Motion to Dismiss (b) Motion for Time to Engage in Discovery Relating to VCI's Contacys with Texas and (c) Motion for Leave to Amend Complaint (as well as the proposed Amended Complaint submitted therewith) filed March 16, 2005; As stipulated by Plaintiff and VCI, Plaintiff's action against VCI is hereby dismissed without prejudice pursuant to Rule 41(a) (1) of the FRCvP; Plaintiff is granted leave from the Court to amend its Complaint to remove VCI as a Defendant to this lawsuit and join Bell Atlantic Communications Inc dba Verizon Long Distance shall reserve all of its rights and defenses. The Clerk shall promptly file Plaintiff's First Amended Complaint, and Bell Atlantic Communication Inc dba Verizon Long Distance's answer to Plaintiff's First Amended Complaint shall be filed by June 6, 2005. (Signed by Judge Terry R Means on 4/29/05) (dld,) (Entered: 05/02/2005)
04/29/2005	<u>53</u>	FIRST AMENDED COMPLAINT against Bell Atlantic Communications Inc, AT&T Corp, SBC Communications Inc., Sprint Corporation, filed by Digital Packet Licensing Incorporated.(dld,) (Entered: 05/02/2005)
04/29/2005		Answer due from Bell Atlantic Communications Inc on 6/6/2005 per <u>52</u> Order. (dld,) (Entered: 05/02/2005)
05/02/2005	<u>54</u>	Application and ORDER for Kevin J. O'Shea for Admission Pro Hac Vice...application granted and fee to be deposited to Non-Appropriated Fund of this Court (Receipt No. 52569, \$25) (Signed by Judge Terry R Means on 5/2/05) (pdm,) (Entered: 05/04/2005)
05/02/2005	<u>55</u>	Application and ORDER for Timothy P. O'Connor for Admission Pro Hac Vice...application granted and fee to be deposited to Non-Appropriated Fund of this Court (Receipt No. 52569, \$25) (Signed by Judge Terry R Means on 5/2/04) (pdm,) (Entered: 05/04/2005)
05/02/2005	<u>56</u>	Application and ORDER for Maureen R. Aidasani for Admission Pro Hac Vice...application granted and fee to be deposited to Non-Appropriated Fund of this Court (Receipt No. 52569, \$25) (Signed by Judge Terry R Means on 5/2/05) (pdm,) (Entered: 05/04/2005)
05/09/2005	<u>57</u>	MOTION to Dismiss Complaint for Declaratory Judgment and

		Memorandum in support thereof by Digital Packet Licensing Incorporated (wrb,) (Entered: 05/11/2005)
05/13/2005	<u>58</u>	JOINT MOTION For Extension of Date for Conference of Parties and Proposed Discovery Plan by Nortel Networks Inc, Bell Atlantic Communications Inc, Digital Packet Licensing Incorporated, AT&T Corp, SBC Communications Inc., Sprint Corporation (wrb,) (Entered: 05/16/2005)
05/17/2005	<u>59</u>	Order Regarding Intention to Administer Case Electronically - see order for specifics. (Signed by Judge Terry R Means on 5/17/05) (pdm,) (Entered: 05/18/2005)
05/17/2005	<u>60</u>	Agreed ORDER granting <u>58</u> Motion to Extend Date for Conference of Parties and Proposed Discovery Plan...deadline for Conference ext. to 5/17/05; Status Report due by 6/6/2005. (Signed by Judge Terry R Means on 5/17/05) (pdm,) (Entered: 05/18/2005)
05/27/2005	<u>61</u>	Joint MOTION to Dismiss by Digital Packet Licensing Incorporated, AT&T Corp with Memorandum in Support. (dld,) (Entered: 05/27/2005)
05/31/2005	<u>62</u>	Memorandum in Opposition to Defendant's <u>61</u> MOTION to Dismiss filed by Nortel Networks Inc. (wrb,) (Entered: 06/01/2005)
05/31/2005	<u>63</u>	[unfiled per order of Jun 3 2005] Appendix in Support re <u>62</u> Response in Opposition filed by Nortel Networks Inc. (wrb,) Modified on 6/6/2005 (wrb,). (Entered: 06/01/2005)
06/01/2005	<u>64</u>	AGREED ORDER OF DISMISSAL; granting <u>61</u> Motion to Dismiss..ordered that the claims by Digital Pack against AT&T and the counterclaims by AT&T against Digital Packet are dism w/prej w/ea side to bear their respective costs. (Signed by Judge Terry R Means on 6/1/05) (wrb,) (Entered: 06/02/2005)
06/02/2005	<u>65</u>	JOINT MOTION for Extension of Time to File Submission of Proposed Discovery Plan by Nortel Networks Inc, Bell Atlantic Communications Inc, Digital Packet Licensing Incorporated, SBC Communications Inc., Sprint Corporation (wrb,) (Entered: 06/03/2005)
06/03/2005	<u>66</u>	ORDER granting <u>65</u> Motion for Extension of Time to File proposed discovery plan...ddl is Jun 17 2005. (Signed by Judge Terry R Means on 06/03/05) (wrb,) (Entered: 06/03/2005)
06/03/2005	<u>67</u>	Order Unfiling <u>63</u> Appendix in Support filed by Nortel Networks Inc, due to the following deficiency: improper heading/form. (Signed by Judge Terry R Means on 6/3/05) (wrb,) (Entered: 06/06/2005)
06/06/2005	<u>68</u>	ANSWER to First Amended Complaint and JURY DEMAND by Bell Atlantic Communications Inc.(dld,) (Entered: 06/07/2005)
06/06/2005	<u>69</u>	DISCLOSURE STATEMENT and CERTIFICATE OF INTERESTED PERSONS/ by Bell Atlantic Communications Inc. (dld,) (Entered: 06/07/2005)

06/07/2005	<u>70</u>	Appendix to <u>62</u> Memorandum in Opposition to Defendant's Motion to Dismiss filed by Nortel Networks Inc. (wrb,) (Entered: 06/07/2005)
06/07/2005	<u>71</u>	Note from clerk (wrb,) (Entered: 06/08/2005)
06/13/2005	<u>72</u>	Order Designating Case for ECF - see order for specifics. (Signed by Judge Terry R Means on 6/13/05) (pdm,) (Entered: 06/13/2005)
06/15/2005	<u>73</u>	REPLY to Response to Motion re <u>57</u> MOTION to Dismiss filed by Digital Packet Licensing Incorporated, Digital Packet Licensing Incorporated, Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 06/15/2005)
06/15/2005	<u>74</u>	[unfiled per order of Jun 23 2005] NOTICE by AT&T Corp <i>Notice of Withdrawal of Appearance</i> (Chiaviello, Robert) Modified on 6/24/2005 (wrb,). (Entered: 06/15/2005)
06/17/2005	<u>75</u>	STATUS REPORT <i>and Proposed Discovery Plan Filed Jointly</i> by Nortel Networks Inc, Digital Packet Licensing Incorporated, Bell Atlantic Communications Inc, Digital Packet Licensing Incorporated, Sprint Corporation, Digital Packet Licensing Incorporated, SBC Communications Inc., Sprint Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Rodriguez, Fernando) (Entered: 06/17/2005)
06/23/2005	<u>76</u>	Order Unfiling <u>74</u> Notice (Other) filed by AT&T Corp, due to the following deficiency: requires paper "judge copy" w/in 3 days of ECF filing. (Signed by Judge Terry R Means on 6/23/05) (wrb,) (Entered: 06/24/2005)
07/07/2005	<u>77</u>	Order Designating Case for ECF - see order for specifics. (Signed by Judge Terry R Means on 7-7-05) (kjd,) (Entered: 07/07/2005)
07/19/2005	<u>78</u>	ORDER REFERRING CASE to Mediation no later than 12/16/05. Type of ADR: Mediation; parties to agree on impartial mediator no later than 10/3/05 and shall notify court in writing of mediator's name, phone & fax nos., and e:mail address....mediator, as condition to accepting this appointment, directed to complete ADR summary attached as Exh. C to this order and electronically file it no later than 10th day following mediation...see order for specifics (Signed by Judge Terry R Means on 7/19/05) (pdm,) (Entered: 07/21/2005)
07/19/2005	<u>79</u>	Initial SCHEDULING ORDER: Amended Pleadings due by 5/26/2006. Discovery due by 1/15/2006. Joinder of Parties due by 9/1/2005. Parties to participate in mediation no later than 12/16/05 and participate in formal settlement conf. no later than 1/31/06...see order for further specifics (Signed by Judge Terry R Means on 7/19/05) (pdm,) (Entered: 07/21/2005)
08/09/2005	<u>80</u>	Application & ORDER for Admission PHV of Keith Rutherford on behalf of Digital Packet Lic....fee to be deposited to non-appropriated fund (Signed by Judge Terry R Means on 8/9/05) (pdm,) (Entered: 08/09/2005)
08/09/2005	<u>81</u>	Application & ORDER for Admission PHV of Russell T. Wong on

		behalf of Digital Packet Lic....fee to be deposited to non-appropriated fund (Signed by Judge Terry R Means on 8/9/05) (pdm,) (Entered: 08/09/2005)
08/16/2005	<u>82</u>	Agreed MOTION to Dismiss <i>Def. SBC Communications, Inc. and Join SBC Internet Services, Inc. (includes request for leave to file Second Amended Complaint)</i> by Digital Packet Licensing Incorporated (Attachments: # <u>1</u> Exhibit Letter Agr. (DP/SBC)# <u>2</u> Exhibit Proposed Second Amended Complaint)(Casto, Edward) (Entered: 08/16/2005)
08/19/2005	<u>83</u>	ORDER: granting <u>82</u> Motion to Dismiss, dismissed without prejudice; plaintiff is granted leave to amend its First Amended Cmp to remove SSBCCI as defendant and join SBC Internet Services Inc as a defendant. SBC Internet Services Inc shall reserve all of its rights and defenses. Plaintiff shall file its second amended complaint within 3 days of this order's issuance and SBC Internet Services Inc's answer shall be filed by 9/9/05. See order for specifics. (Signed by Judge Terry R Means on 8/19/05) (dld,) (Entered: 08/19/2005)
08/22/2005	<u>84</u>	Plaintiff's Second AMENDED COMPLAINT against AT&T Corp, SBC Internet Services Inc, Bell Atlantic Communications Inc, Sprint Corporation, filed by Digital Packet Licensing Incorporated. *filed conventionally because of party additions(wrb,) (Entered: 08/24/2005)
08/22/2005	<u>85</u>	Letter by Digital Packet Licensing Incorporated re <u>84</u> Amended Complaint (wrb,) (Entered: 08/24/2005)
08/30/2005	<u>86</u>	Agreed MOTION to Amend/Correct <u>84</u> Amended Complaint <i>to Join Sprint Communications Company, LP and Central Telephone Company of Texas</i> , Agreed MOTION to Dismiss <i>Sprint Corporation</i> by Digital Packet Licensing Incorporated (Attachments: # <u>1</u> Exhibit Letter Agr. (DP/Sprint)# <u>2</u> Exhibit Proposed Third Amended Complaint)(Casto, Edward) (Entered: 08/30/2005)
09/02/2005	<u>87</u>	ORDER OF DISMISSAL AND GRANTING LEAVE TO AMEND: granting <u>86</u> Motion ; Sprint Corporation is herewby dismissed without prejudice pursuant to Rule 41(a)(1) of the FRCP; Third Am Cmp to be filed within 3 days of the date of this order's issuance; SCC's and CTCT's answers due 9/12/05. See order for specifics. (Signed by Judge Terry R Means on 9/2/05) (dld,) (Entered: 09/02/2005)
09/06/2005	<u>88</u>	Plaintiff's Third AMENDED COMPLAINT against Central Telephone Company of Texas, Bell Atlantic Communications Inc, SBC Internet Services Inc, SBC Communications Inc., Sprint Corporation, filed by Digital Packet Licensing Incorporated.(wrb,) (Entered: 09/07/2005)
09/07/2005	<u>89</u>	Letter to Clerk by Digital Packet Licensing Incorporated (wrb,) (Entered: 09/07/2005)
09/09/2005	<u>90</u>	ANSWER to Amended Complaint (<i>Third</i>) by SBC Internet Services Inc. (Rodriguez, Fernando) (Entered: 09/09/2005)
09/09/2005	<u>91</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE

		STATEMENT by SBC Internet Services Inc. (Rodriguez, Fernando) (Entered: 09/09/2005)
09/12/2005	<u>92</u>	<i>Central Telephone Company of Texas'</i> ANSWER to Amended Complaint of <i>Digital Packet Licensing Inc.</i> , First COUNTERCLAIM against Digital Packet Licensing Incorporated by Central Telephone Company of Texas. (Attachments: # <u>1</u> Filing Letter)(Courington, Lea) (Entered: 09/12/2005)
09/12/2005	<u>93</u>	<i>Sprint Communications Company LP's</i> ANSWER to Amended Complaint of <i>Digital Packet Licensing Inc.</i> , First COUNTERCLAIM against Digital Packet Licensing Incorporated by Sprint Communications Company L.P.. (Attachments: # <u>1</u> Filing Letter)(Courington, Lea) (Entered: 09/12/2005)
09/12/2005	<u>94</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Sprint Communications Company L.P.. (Attachments: # <u>1</u> Filing Letter)(Courington, Lea) (Entered: 09/12/2005)
09/12/2005	<u>95</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Central Telephone Company of Texas. (Attachments: # <u>1</u> Filing Letter)(Courington, Lea) (Entered: 09/12/2005)
09/21/2005	<u>96</u>	ANSWER to Counterclaim of <i>Central Telephone Company of Texas</i> by Digital Packet Licensing Incorporated.(Casto, Edward) (Entered: 09/21/2005)
09/21/2005	<u>97</u>	ANSWER to Counterclaim of <i>Sprint Corporation</i> by Digital Packet Licensing Incorporated.(Casto, Edward) (Entered: 09/21/2005)
09/30/2005	<u>98</u>	NOTICE by Nortel Networks Inc, Bell Atlantic Communications Inc, Digital Packet Licensing Incorporated, SBC Communications Inc., Sprint Corporation of <i>Agreed Mediator</i> (Suder, Jonathan) (Entered: 09/30/2005)
09/30/2005	<u>99</u>	ORDER Appointing Bryan Medlock as mediator; clerk to mail copy of this order, the 7/19/05 order for referral to mediation, and copy of docket to mediator...see order for further specifics (copies of documents as specified to mediator) (Signed by Judge Terry R Means on 9/30/05) (pdm,) Modified on 11/15/2005 (pdm,). (Entered: 09/30/2005)
10/18/2005	<u>100</u>	Unopposed MOTION for Leave to File Answer to Plaintiff's Third Amended Complaint by Bell Atlantic Communications Inc (Attachments: # <u>1</u> Exhibit A# <u>2</u> Text of Proposed Order)(Rodriguez, Fernando) (Entered: 10/18/2005)
10/19/2005	<u>101</u>	MOTION Unopposed Motion To Modify Initial Scheduling Order re <u>79</u> Scheduling Order, by Nortel Networks Inc (Hosch, Charles) (Entered: 10/19/2005)
10/24/2005	<u>102</u>	ORDER granting <u>100</u> Unopposed Motion by Bell Atlantic Communications Inc dba Verizon Long Distance for Leave to File Its Answer to Plaintiff's Third Amended Complaint...Bell Atlantic granted leave to file, w/in 3 days of this order's issuance, its answer to Plt's third amended complaint, a copy of which is attached to the present motion for leave. (Signed by Judge Terry R Means on 10/24/05) (wrw,) (Entered: 10/24/2005)

		10/24/2005)
10/24/2005	<u>103</u>	ORDER MODIFYING INITIAL SCHEDULING ORDER granting <u>101</u> Motion...the deadline for service of Response to Proposed Claim Construction Statements set forth in paragraph 7 of the Initial Schedule Order is amended to Nov 23 2005. (Signed by Judge Terry R Means on 10/24/05) (wrb,) (Entered: 10/24/2005)
10/24/2005	<u>104</u>	ANSWER to Amended Complaint <i>Third</i> by Bell Atlantic Communications Inc.(Rodriguez, Fernando) (Entered: 10/24/2005)
10/28/2005	<u>105</u>	Unopposed MOTION Modify Initial Scheduling Order re <u>79</u> Scheduling Order, by Nortel Networks Inc (Hosch, Charles) (Entered: 10/28/2005)
11/01/2005	<u>106</u>	ORDER granting <u>105</u> Motion to Modify Initial Schuduling Order...ddl for exchange of Claim Term lists and Preliminary Proposed Claim Construction Statements are amended to Dec 5 2005 and Dec 21 2005 respectively. (Signed by Judge Terry R Means on 11/1/05) (wrb,) (Entered: 11/03/2005)
12/16/2005	<u>107</u>	ORDER Notice to the Parties that Motion to Dismiss, doc. #57, is converted to Rule 56 Mot. for Summary Judgment; parties invited to be heard on whether such action appropriate...see order for other specifics and filing deadlines... (Signed by Judge Terry R Means on 12/16/05) (pdm,) (Entered: 12/16/2005)
12/16/2005	<u>109</u>	Letter regarding mediation attempt; unsuccessful by V Bryan Medlock, Jr (wrb,) (Entered: 12/21/2005)
12/20/2005	<u>108</u>	Agreed MOTION to Extend Time Claim Construction Deadlines by Digital Packet Licensing Incorporated (Casto, Edward) (Entered: 12/20/2005)
12/22/2005	<u>110</u>	ORDER granting <u>108</u> Motion to Modify Initial Scheduling Order Discovery due by 2/14/2006 with respect to Claim Construction; parties exchange prelim Claim Constructions and Extrinsic Evidence 1/20/06; parties meet and confer re: Joint Claim Construction Statement 2/10/06; parties file Joint Claim Construction Statement 2/17/06; parties file Markman Motions 3/17/06 (Signed by Judge Terry R Means on 12/22/05) (wrb,) (Entered: 12/23/2005)
12/30/2005	<u>111</u>	RESPONSE to Order re <u>107</u> Order, <i>the Court's December 16, 2005 Notice to the Parties</i> filed by Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 12/30/2005)
12/30/2005	<u>112</u>	RESPONSE to Order (Submission of Nortel W/Respect to Conversion of Motion to Dism. to Mot. for SJ) re <u>107</u> Order, filed by Nortel Networks Inc. (Hosch, Charles) (Entered: 12/30/2005)
01/10/2006	<u>113</u>	Alternative Dispute Resolution Summary filed by V Bryan Medlock, Jr. (Medlock, V) (Entered: 01/10/2006)
01/19/2006	<u>114</u>	Agreed MOTION to Extend Time Deadline to Exchange Preliminary Claim Constructions and Extrinsic Evidence by Nortel Networks Inc,

		Bell Atlantic Communications Inc, SBC Internet Services Inc, Central Telephone Company of Texas, Sprint Communications Company L.P., Digital Packet Licensing Incorporated (Hosch, Charles) (Entered: 01/19/2006)
01/24/2006	<u>115</u>	ORDER granting <u>114</u> Motion to Modify Initial Scheduling Order...paragraph 10 of this court's scheduling order is modified such that the deadline for the parties to exchange Preliminary Claim Constructions and Extrinsic Evidence is extended from Jan 20 2006 to and including Jan 27 2006. (Signed by Judge Terry R Means on 1/24/06) (wrb,) (Entered: 01/25/2006)
01/27/2006	<u>116</u>	MOTION to Compel <i>Discovery from Defendant SBC and Extend Markman Schedule Pending Resolution of Discovery Issues</i> by Digital Packet Licensing Incorporated with Memorandum in Support. (Casto, Edward) (Entered: 01/27/2006)
01/27/2006	<u>117</u>	Appendix in Support re <u>116</u> MOTION to Compel <i>Discovery from Defendant SBC and Extend Markman Schedule Pending Resolution of Discovery Issues and Memorandum in Support Thereof</i> filed by Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 01/27/2006)
01/27/2006	<u>118</u>	MOTION to Compel <i>Discovery from Defendant Verizon and Extend Markman Schedule Pending Resolution of Discovery Issues</i> by Digital Packet Licensing Incorporated with Memorandum in Support Thereof. (Casto, Edward) (Entered: 01/27/2006)
01/27/2006	<u>119</u>	Appendix in Support re <u>118</u> MOTION to Compel <i>Discovery from Defendant Verizon and Extend Markman Schedule Pending Resolution of Discovery Issues and Memorandum in Support Thereof</i> filed by Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 01/27/2006)
01/30/2006	<u>120</u>	ORDER REGARDING PLAINTIFF'S MOTION TO COMPEL AGAINST VERIZON...parties to confer and make effort to resolve discovery dispute by Feb 8 '06. (Signed by Judge Terry R Means on 1/30/06) (wrb,) (Entered: 01/31/2006)
01/30/2006	<u>121</u>	ORDER REGARDING PLAINTIFF'S MOTION TO COMPEL AGAINST SBC...parties to try to resolve discovery dispute by Feb 8 2006. (Signed by Judge Terry R Means on 1/30/06) (wrb,) (Entered: 01/31/2006)
01/31/2006	<u>122</u>	Joint MOTION to Extend Time of Deadline to Conduct Settlement Conference by Nortel Networks Inc, Bell Atlantic Communications Inc, SBC Internet Services Inc, Central Telephone Company of Texas, Sprint Communications Company L.P., Digital Packet Licensing Incorporated with Deadline to Conduct Settlement Conference. (Fite, Katherine) (Entered: 01/31/2006)
02/02/2006	<u>123</u>	MOTION to Extend Time Deadline for Settlement Conference by Sprint Communications Company L.P. (Attachments: # <u>1</u> Text of Proposed Order)(Courington, Lea) (Entered: 02/02/2006)

02/07/2006	<u>124</u>	ORDER finding as moot <u>122</u> Motion to Extend Time. (Signed by Judge Terry R Means on 2/7/06) (wrb,) (Entered: 02/07/2006)
02/07/2006	<u>125</u>	ORDER granting <u>123</u> Motion to Modify Initial Scheduling Order to Extend Deadline to Conduct Settlement Conference Until February 3....Therefore, paragraph 2 of this court's scheduling order is modified such that the deadline for the parties to conduct a settlement conference is extended from Jan 31 2006 to and including Fri, Feb 10 2006. (Signed by Judge Terry R Means on 2/7/06) (wrb,) (Entered: 02/07/2006)
02/09/2006	<u>126</u>	[unfiled per order of Feb 10 2006] Joint MOTION to Extend Time Motion To Extend Deadlines To Conduct Joint Claim Construction Statement Meet and Confer And To File Joint Claim Construction Statement by Nortel Networks Inc, Digital Packet Licensing Incorporated (Hosch, Charles) Modified on 2/13/2006 (wrb,). (Entered: 02/09/2006)
02/09/2006	<u>127</u>	Joint MOTION to Extend Time to Extend Deadline; Joint Motion To Extend Deadlines to Conduct Joint Claim Construction Statement Meet and Confer And To File Joint Claim Construction Statement by Nortel Networks Inc, Digital Packet Licensing Incorporated (Hosch, Charles) (Entered: 02/09/2006)
02/10/2006	<u>128</u>	SETTLEMENT CONFERENCE REPORT by Digital Packet Licensing Incorporated. (Suder, Jonathan) (Entered: 02/10/2006)
02/10/2006	<u>129</u>	SETTLEMENT CONFERENCE REPORT by Sprint Communications Company L.P.. (Courington, Lea) (Entered: 02/10/2006)
02/10/2006	<u>130</u>	SETTLEMENT CONFERENCE REPORT by SBC Internet Services Inc. (Durst, Timothy) (Entered: 02/10/2006)
02/10/2006	<u>131</u>	SETTLEMENT CONFERENCE REPORT by Bell Atlantic Communications Inc. (Durst, Timothy) (Entered: 02/10/2006)
02/10/2006	<u>132</u>	SETTLEMENT CONFERENCE REPORT <i>Nortel's Report Of Settlement Conference</i> by Nortel Networks Inc. (Hosch, Charles) (Entered: 02/10/2006)
02/10/2006	<u>133</u>	Order Unfiling <u>126</u> Joint MOTION to Extend Time Motion To Extend Deadlines To Conduct Joint Claim Construction Statement Meet and Confer And To File Joint Claim Construction Statement filed by Nortel Networks Inc., Digital Packet Licensing Incorporated, due to the following deficiency: filed in error per atty ntc. (Signed by Judge Terry R Means on 2/10/06) (wrb,) (Entered: 02/13/2006)
02/17/2006	<u>134</u>	ORDER granting <u>127</u> Joint Motion to Extend Deadlines to Conduct Joint Claim Construction Statement Meet and Confer and To File Joint Claim Construction Statement. Para 11 of this Court's Scheduling Order is modified such that the deadline for the parties to meet and confer with respect to the Joint Claim Construction Statement is extended from Feb 10 2006, the current deadline, to and including Feb 14 2006. Further, paragraph 12 of this Court's Scheduling Order is modified such that the deadline for the parties to file the Joint Claim Construction Statement is

		extended from Feb 17 2006, the current deadline, to and including Feb 21 2006. (Signed by Judge Terry R Means on 2/17/06) (wrb,) (Entered: 02/17/2006)
02/21/2006	<u>135</u>	Joint MOTION to Extend Time Motion To Extend Deadline To File Joint Claim Construction Statement by Digital Packet Licensing Incorporated (Hosch, Charles) (Entered: 02/21/2006)
02/24/2006	<u>136</u>	Joint MOTION for Extension of Time to File Joint Claim Construction Statement <i>Joint Motion to Extend Deadline to File the Joint Claim Construction Statement</i> by Digital Packet Licensing Incorporated (Attachments: # <u>1</u> Text of Proposed Order Text of Proposed Order)) (Casto, Edward) (Entered: 02/24/2006)
02/27/2006	<u>137</u>	RESPONSE in Opposition re <u>118</u> MOTION to Compel <i>Discovery from Defendant Verizon and Extend Markman Schedule Pending Resolution of Discovery Issues</i> , <u>116</u> MOTION to Compel <i>Discovery from Defendant SBC and Extend Markman Schedule Pending Resolution of Discovery Issues</i> filed by Nortel Networks Inc. (Attachments: # <u>1</u> Exhibit A)(Hosch, Charles) (Entered: 02/27/2006)
02/27/2006	<u>138</u>	ORDER denying <u>57</u> Motion to Dismiss (Signed by Judge Terry R Means on 2/27/06) (wrb,) (Entered: 02/27/2006)
02/27/2006	<u>139</u>	RESPONSE in Opposition to <i>DPL's Motion to Extend Markman Schedule</i> filed by Sprint Communications Company L.P.. (Balch, Jenifer) (Entered: 02/27/2006)
02/27/2006	<u>140</u>	RESPONSE in Opposition re <u>118</u> MOTION to Compel <i>Discovery from Defendant Verizon and Extend Markman Schedule Pending Resolution of Discovery Issues</i> filed by Bell Atlantic Communications Inc. (Attachments: # <u>1</u> Appendix in Support of Verizon's Response in Opposition to Motion to Compel)(Rodriguez, Fernando) (Entered: 02/27/2006)
02/27/2006	<u>141</u>	RESPONSE in Opposition re <u>116</u> MOTION to Compel <i>Discovery from Defendant SBC and Extend Markman Schedule Pending Resolution of Discovery Issues</i> filed by SBC Internet Services Inc. (Attachments: # <u>1</u> Appendix in Support of SBC Internet Services, Inc.'s Response in Opposition to Motion to Compel)(Rodriguez, Fernando) (Entered: 02/27/2006)
02/28/2006	<u>142</u>	JOINT CLAIM CONSTRUCTION STATEMENT by Nortel Networks Inc, Bell Atlantic Communications Inc, SBC Internet Services Inc, Central Telephone Company of Texas, Digital Packet Licensing Incorporated, Sprint Corporation <i>Joint Claim Construction Statement</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Hosch, Charles) Modified on 3/7/2006 (wrb,). (Entered: 02/28/2006)
03/03/2006	<u>143</u>	Unopposed Motion for Extension of Time to File Answer to <i>Nortel Networks, Inc.'s Complaint</i> by Digital Packet Licensing Incorporated with Memorandum in Support Thereof. (Casto, Edward) (Entered: 03/03/2006)

03/03/2006	<u>144</u>	Application and Order for Admission Pro Hac Vice by Lou Brucculeri for Digital Packet Licensing Incorporated. Fee deposited into account of the Non-Appropriated Fund. (Signed by Judge Terry R Means on 3/3/2006) (csw,) (Entered: 03/07/2006)
03/08/2006	<u>145</u>	ORDER GRANTING DIGITAL PACKET LICENSING,INC.'S UNOPPOSED MOTION TO EXTEND TIME TO ANSWER NORTEL NETWORKS,INC.'S COMPLAINT...granting <u>143</u> Motion for Extension of Time to File Answer Digital Packet Licensing Incorporated answer due 4/8/2006. (Signed by Judge Terry R Means on 3/8/2006) (csw,) (Entered: 03/08/2006)
03/09/2006	<u>146</u>	ORDER granting <u>135</u> Motion to Extend Time., granting <u>136</u> Motion for Extension of Time to File Joint Claim-Construction Statement to the extent that the March 3 filing will be considered timely. (Signed by Judge Terry R Means on 3/9/2006) (csw,) (Entered: 03/09/2006)
03/14/2006	<u>147</u>	Unopposed MOTION to Extend Time Claim Construction Deadline by Digital Packet Licensing Incorporated (Casto, Edward) (Entered: 03/14/2006)
03/14/2006	<u>148</u>	REPLY to Response to Motion re <u>118</u> MOTION to Compel <i>Discovery from Defendant Verizon and Extend Markman Schedule Pending Resolution of Discovery Issues</i> , <u>116</u> MOTION to Compel <i>Discovery from Defendant SBC and Extend Markman Schedule Pending Resolution of Discovery Issues</i> filed by Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 03/14/2006)
03/14/2006	<u>149</u>	Appendix in Support re <u>148</u> Reply to Response to Motion, <i>Motions to Compel Discovery from Defendants SBC and Verizon and Motion to Extend Markman Schedule Pending Resolution of Discovery Issues</i> filed by Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 03/14/2006)
03/16/2006	<u>150</u>	Application and Order for Admission Pro Hac Vice by Russell W White for SBC Internet Services Inc (Signed by Judge Terry R Means on 3/16/06) (wrb,) (Entered: 03/16/2006)
03/16/2006	<u>151</u>	Application and Order for Admission Pro Hac Vice by Timothy G Newman for SBC Internet Services Inc (Signed by Judge Terry R Means on 3/16/06) (wrb,) (Entered: 03/16/2006)
03/16/2006	<u>152</u>	ORDER granting <u>147</u> Unopposed MOTION to Extend Time Claim Construction Deadline; the current Markman briefing deadline is extended from march 17, 2006 to March 31, 2006. (Signed by Judge Terry R Means on 3/16/06) (dld,) (Entered: 03/17/2006)
03/16/2006	<u>153</u>	ORDER REFERRING MOTION to Judge Bleil: <u>118</u> Motion to Compel <i>Discovery from Defendant Verizon and Extend Markman Schedule Pending Resolution of Discovery Issues</i> filed by Digital Packet Licensing Incorporated, and <u>116</u> Motion to Compel <i>Discovery from Defendant SBC and Extend Markman Schedule Pending Resolution of Discovery Issues</i> filed by Digital Packet Licensing Incorporated, (Signed by Judge Terry R

		Means on 3/16/06) (dld,) (Entered: 03/17/2006)
03/23/2006	<u>154</u>	ORDER: It is ORDERED that counsel for all parties involved in the pending discovery dispute confer and submit a joint statement by March 28, 2006 that includes the following: See Order for Specifics. (Signed by Judge Charles Bleil on 3/23/06) (jmb,) (Entered: 03/23/2006)
03/28/2006	<u>155</u>	RESPONSE to Order (Joint Statement Regarding Pending Discovery Issues) re <u>118</u> MOTION to Compel <i>Discovery from Defendant Verizon and Extend Markman Schedule Pending Resolution of Discovery Issues</i> , <u>116</u> MOTION to Compel <i>Discovery from Defendant SBC and Extend Markman Schedule Pending Resolution of Discovery Issues</i> , <u>154</u> Order, filed by Digital Packet Licensing Incorporated. (Casto, Edward) Modified on 3/29/2006 (pdm,). (Entered: 03/28/2006)
03/30/2006	<u>156</u>	Joint MOTION to Strike <i>Deadline for Opening Claim Construction Brief and to Set Deadline to Submit Proposed Schedule(s)</i> by Digital Packet Licensing Incorporated (Casto, Edward) (Entered: 03/30/2006)
03/31/2006	<u>157</u>	ORDER granting <u>156</u> Motion to Strike Deadline...parties to submit an agreed proposed schedule or submit separate proposed schedules no later than April 7, 2006. (Signed by Judge Terry R Means on 3/31/2006) (csw,) (Entered: 03/31/2006)
03/31/2006	<u>158</u>	ORDER granting in part and denying in part <u>116</u> Motion to Compel, and <u>118</u> Motion to Compel re: discovery; see order for specifics. (Signed by Judge Charles Bleil on 3/31/06) (dld,) (Entered: 03/31/2006)
04/04/2006	<u>159</u>	Application and Order for Admission Pro Hac Vice by Adam D Sheehan for SBC Internet Services Inc (Signed by Judge Terry R Means on 4/4/06) (wrb,) (Entered: 04/05/2006)
04/06/2006	<u>160</u>	Unopposed MOTION to Strike <u>145</u> Order on Motion for Extension of Time to File Answer, <i>Deadline to Answer Nortel's Declaratory Judgment Complaint</i> by Digital Packet Licensing Incorporated (Casto, Edward) (Entered: 04/06/2006)
04/07/2006	<u>161</u>	NOTICE by Digital Packet Licensing Incorporated of <i>Joint Statement Regarding Scheduling Issues</i> (Casto, Edward) (Entered: 04/07/2006)
04/10/2006	<u>162</u>	ORDER granting <u>160</u> Motion to to Amend Deadline to Answer Nortel's Declaratory Judgment Complaint...Digital Packing's deadline to file answer to Nortel's complaint Amended in that previous deadline of 4/7/06 is stricken...new deadline will be created shortly....see order for specifics (Signed by Judge Terry R Means on 4/10/06) (pdm,) (Entered: 04/10/2006)
04/11/2006	<u>163</u>	Unopposed MOTION to Extend Time in which to Comply with Discovery Order by Bell Atlantic Communications Inc, SBC Internet Services Inc (Durst, Timothy) (Entered: 04/11/2006)
04/13/2006	<u>164</u>	ORDER Extending Time to Comply with Discovery Order Dated March 31, 2006...granting <u>163</u> Motion to Extend Time. Defendants Bell Atlantic Communications Inc must comply with the Order dated March 31, 2006

		by no later than May 10, 2006. (Signed by Judge Terry R Means on 4/13/2006) (csw,) (Entered: 04/14/2006)
04/13/2006	<u>165</u>	ORDER SETTING CONFERENCE ON SCHEDULING ISSUES: Informal Scheduling Conference set for 4/27/2006 at 2:00 PM before Judge Terry R Means. Representatives for all parties must be in attendance. See order for specifics. (Cons w/4:05-cv-224Y) (Signed by Judge Terry R Means on 4/13/2006) (csw,) (Entered: 04/14/2006)
04/27/2006	<u>166</u>	Minute Entry for proceedings held before briefing attorney for USDJ Judge Terry R Means : Informal Status Conference held on 4/27/06: Attys present: Jonathan Suder & Louis Brucculeri for Plt./Consol Def; Tim O'Connor for Consol. Pltf; Tim Newman and Adam Sheehan for Deft SBCIS; Trent Webb and Adam Seitz, attys for defs Sprint & Central; and Fernando Rodriguez Jr, atty for deft Verizon: All parties met with the Court's briefing attorney to discuss amended scheduling dates for this cause (necessitated by the Court's February 27, 2006, ruling regarding Digital Packet's motion to dismiss). Parties spoke about the unresolved discovery issues in this case, and how those issues impact the amendment of the Court's scheduling order (and subsequent orders of amendment). Discussion of halting the schedule as to Plaintiff/Consol. Def.'s claims against Defts. so Plt./Consol. Def. and Consol. Plt. could investigate necessary issues between them; ultimate resolution of the issue was not reached. In a few days the Court will issue an order directed towards the relevant scheduling issues NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (jhs,) Modified on 4/27/2006 (jhs,). Modified on 5/1/2006 (jhs,). Modified on 5/1/2006 (jhs,). (Entered: 04/27/2006)
05/02/2006	<u>167</u>	First Amended SCHEDULING ORDER: Amended Pleadings due by 8/14/2006. Discovery due by 7/7/2006. Joinder of Parties due by 8/14/2006....see order for further specifics (Signed by Judge Terry R Means on 5/2/06) (pdm,) (Entered: 05/02/2006)
05/17/2006	<u>168</u>	MOTION to Compel <i>Production of Documents from Nortel Networks, Inc.</i> by Digital Packet Licensing Incorporated with Memorandum in Support. (Casto, Edward) (Entered: 05/17/2006)
05/17/2006	<u>169</u>	Appendix in Support filed by Digital Packet Licensing Incorporated re <u>168</u> MOTION to Compel <i>Production of Documents from Nortel Networks, Inc.</i> (Casto, Edward) (Entered: 05/17/2006)
05/17/2006	<u>170</u>	ADDITIONAL ATTACHMENTS to <u>169</u> Appendix in Support by Plaintiff Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 05/17/2006)
05/17/2006	<u>171</u>	ADDITIONAL ATTACHMENTS to <u>169</u> Appendix in Support by Plaintiff Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 05/17/2006)
05/17/2006	<u>172</u>	ADDITIONAL ATTACHMENTS to <u>169</u> Appendix in Support by Plaintiff Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 05/17/2006)

05/17/2006	<u>173</u>	ADDITIONAL ATTACHMENTS to <u>169</u> Appendix in Support by Plaintiff Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 05/17/2006)
05/17/2006	<u>174</u>	ADDITIONAL ATTACHMENTS to <u>169</u> Appendix in Support by Plaintiff Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 05/17/2006)
05/17/2006	<u>175</u>	ADDITIONAL ATTACHMENTS to <u>169</u> Appendix in Support by Plaintiff Digital Packet Licensing Incorporated. (Casto, Edward) (Entered: 05/17/2006)
05/19/2006	<u>176</u>	ORDER REFERRING MOTION to Magistrate Judge Bleil: <u>168</u> Motion to Compel filed by Digital Packet Licensing Incorporated, (Signed by Judge Terry R Means on 5/19/06) (jmb,) (Entered: 05/19/2006)
05/31/2006	<u>177</u>	Unopposed MOTION to Withdraw <i>as Counsel and</i> , MOTION to Substitute Attorney. Motion Filed by SBC Internet Services Inc (Rodriguez, Fernando) (Entered: 05/31/2006)
06/06/2006	<u>178</u>	ORDER granting <u>177</u> Motion to Withdraw, granting <u>177</u> Motion to Substitute Attorney....Bryant Boren, Timothy Durst, Christopher Kennerly & Fernando Rodriguez, Jr., granted leave to w/draw as cnsl. for SBC Internet Svcs...; clerk to substitute as cnsl. for SBC Internet Svcs. Timothy Newman, Russell White and Adam Sheehan;...no later than 10 days from date of this order's issuance, Newman, White and Sheehan shall file notices of appearance containing all their relevant contact information (Signed by Judge Terry R Means on 6/6/06) (pdm,) (Entered: 06/06/2006)
06/06/2006	<u>179</u>	RESPONSE in Opposition filed by Nortel Networks Inc re <u>173</u> Additional Attachments to Main Document, <u>168</u> MOTION to Compel <i>Production of Documents from Nortel Networks, Inc.</i> , <u>170</u> Additional Attachments to Main Document, <u>171</u> Additional Attachments to Main Document, <u>172</u> Additional Attachments to Main Document, <u>169</u> Appendix in Support, <u>174</u> Additional Attachments to Main Document, <u>175</u> Additional Attachments to Main Document <i>Nortel's Response In Opposition To DPL's Motion To Compel</i> (Attachments: # <u>1</u> Appendix Appendix In Support Of Nortel's Response In Opposition To DPL's Motion To Compel)(Hosch, Charles) (Entered: 06/06/2006)
06/09/2006	<u>180</u>	NOTICE of Attorney Appearance by Adam D Sheehan on behalf of SBC Internet Services Inc (Sheehan, Adam) (Entered: 06/09/2006)
06/16/2006	<u>181</u>	MOTION for Protective Order <i>Nortel's and Infringement Defendants' Motion For Protective Order</i> by Nortel Networks Inc with Memorandum Of Law In Support Thereof. (Hosch, Charles) (Entered: 06/16/2006)
06/16/2006	<u>182</u>	Appendix in Support filed by Nortel Networks Inc re <u>181</u> MOTION for Protective Order <i>Nortel's and Infringement Defendants' Motion For Protective Order Appendix - Part 1</i> (Hosch, Charles) (Entered: 06/16/2006)

06/16/2006	<u>183</u>	Appendix in Support filed by Nortel Networks Inc re <u>181</u> MOTION for Protective Order <i>Nortel's and Infringement Defendants' Motion For Protective Order Appendix - Part 2</i> (Hosch, Charles) (Entered: 06/16/2006)
06/16/2006	<u>184</u>	Appendix in Support filed by Nortel Networks Inc re <u>181</u> MOTION for Protective Order <i>Nortel's and Infringement Defendants' Motion For Protective Order Appendix - Part 3</i> (Hosch, Charles) (Entered: 06/16/2006)
06/20/2006	<u>185</u>	REPLY filed by Digital Packet Licensing Incorporated re <u>168</u> MOTION to Compel <i>Production of Documents from Nortel Networks, Inc. in opposition to Nortel's response</i> (Casto, Edward) (Entered: 06/20/2006)
06/20/2006	<u>186</u>	Supplemental Appendix in Support filed by Digital Packet Licensing Incorporated re <u>185</u> Reply to Response to Motion to <i>Compel Production of Documents from Nortel Networks, Inc.</i> (Attachments: # <u>1</u> Exhibit G# <u>2</u> Exhibit H# <u>3</u> Exhibit I# <u>4</u> Exhibit K# <u>5</u> Exhibit L# <u>6</u> Exhibit M)(Casto, Edward) Modified on 6/20/2006 (pdm,). (Entered: 06/20/2006)
06/20/2006	<u>187</u>	ADDITIONAL ATTACHMENTS (Exhibit J) to <u>186</u> Supplemental Appendix in Support, by Consol Defendant Digital Packet Licensing Incorporated. (Casto, Edward) Modified on 6/20/2006 (pdm,). (Entered: 06/20/2006)
06/20/2006	<u>188</u>	ORDER REFERRING MOTION to Magistrate Judge Charles Bleil: <u>181</u> Motion for Protective Order filed by Nortel Networks Inc. See order for specifics. (Signed by Judge Terry R Means on 6/20/2006) (csw,)(Cons w/4:04-CV-224 Y) (Entered: 06/20/2006)
06/29/2006	<u>189</u>	MOTION for Leave to File Sur-Reply In Opposition To DPL's Motion To Compel by Nortel Networks Inc (Attachments: # <u>1</u> Appendix In Support Of Nortel's Motion For Leave To Submit Sur-Reply In Opposition To DPL's Motion To Compel)(Hosch, Charles) (Entered: 06/29/2006)
07/05/2006	<u>190</u>	Unopposed MOTION to Extend Deadline by Digital Packet Licensing Incorporated with Memorandum in Support to Respond to Nortel's Motion for Protective Order. (Attachments: # <u>1</u> Text of [Proposed] Order Granting Unopposed Motion for an Extension of Time)(Bruccleri, Louis) (Entered: 07/05/2006)
07/11/2006	<u>191</u>	ORDER granting <u>190</u> Unopposed MOTION to Extend Deadline by Digital Packet Licensing Incorporated with Memorandum in Support to Respond to Nortel's Motion for Protective Order; Response due by 7/24/2006. (Signed by Judge Charles Bleil on 7/11/06) (dld,) (Entered: 07/11/2006)
07/20/2006	<u>192</u>	MOTION to Substitute Party by Digital Packet Licensing Incorporated with Memorandum in Support Thereof. (Attachments: # <u>1</u> Exhibit Exhibit A - Assignment of U.S. Patents)(Casto, Edward) (Entered: 07/20/2006)

07/21/2006	<u>193</u>	Agreed MOTION to Stay <i>Deadlines in Amended Scheduling Order Until Pending Motions are Resolved</i> by Digital Packet Licensing Incorporated (Casto, Edward) (Entered: 07/21/2006)
07/24/2006	<u>194</u>	RESPONSE in Opposition filed by Digital Packet Licensing Incorporated re <u>184</u> Appendix in Support, <u>181</u> MOTION for Protective Order <i>Nortel's and Infringement Defendants' Motion For Protective Order</i> , <u>182</u> Appendix in Support, <u>183</u> Appendix in Support <i>Digital Packet's Request for a Hearing and Response to Nortel's and Infringement Defendants' Motion for Protective Order and Memorandum of Law in Support Thereof</i> (Brucculeri, Louis) (Entered: 07/24/2006)
07/24/2006	<u>195</u>	Appendix in Support filed by Digital Packet Licensing Incorporated re <u>184</u> Appendix in Support, <u>181</u> MOTION for Protective Order <i>Nortel's and Infringement Defendants' Motion For Protective Order</i> , <u>182</u> Appendix in Support, <u>194</u> Response in Opposition,, <u>183</u> Appendix in Support <i>Appendix in Support of Digital Packet's Request for a Hearing and Response to Nortel's and Infringement Defendants' Motion for Protective Order and Memorandum of Law in Support Thereof</i> (Brucculeri, Louis) (Entered: 07/24/2006)
07/25/2006	<u>196</u>	ORDER granting <u>193</u> Joint Agreed Motion to Extend Dates in Amended Scheduling Order...all deadlines set forth in the Court's May 2, 2006, First Amended Scheduling Order that have not already expired are STAYED pending the resolution of Plaintiff's Motion to Compel Production from Nortel, Nortel's Motion for Protective Order, and Plaintiff's Motion to Substitute Vonage as Real party in Interest. Parties are DIRECTED to file a joint notice no later than seven (7) days from the date on which the last of the motions is ruled on by the Court. Such notice shall set forth the parties' proposed dates for completion of the deadlines in the Court's May 2 First Amended Scheduling Order that are stayed by this order. See order for specifics. (Signed by Judge Terry R Means on 7/25/2006) (csw,) (Entered: 07/25/2006)
08/07/2006	<u>197</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>192</u> MOTION to Substitute Party by Bell Atlantic Communications Inc, Central Telephone Company of Texas, Nortel Networks Inc, SBC Internet Services Inc & Sprint Corporation (Rodriguez, Fernando) Modified on 8/8/2006 (pdm,). (Entered: 08/07/2006)
08/08/2006	<u>198</u>	REPLY filed by Bell Atlantic Communications Inc re <u>181</u> MOTION for Protective Order <i>Nortel's and Infringement Defendants' Motion For Protective Order</i> (Rodriguez, Fernando) (Entered: 08/08/2006)
08/08/2006	<u>199</u>	Appendix in Support filed by Bell Atlantic Communications Inc re <u>198</u> Reply to Response to Motion for <i>Protective Order</i> (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u>)(Rodriguez, Fernando) (Entered: 08/08/2006)
08/14/2006	<u>200</u>	ORDER granting in part and denying in part <u>168</u> Motion to Compel, granting <u>181</u> Motion for Protective Order with modifications, denying <u>189</u> Motion for Leave to File. See order for specifics. (Signed by Judge Charles Bleil on 8/14/06) (jmb,) (Entered: 08/14/2006)

08/16/2006	<u>201</u>	ORDER granting <u>197</u> Motion to Extend Time to File Response/Reply. See order for specifics. (Signed by Judge Terry R Means on 8/16/2006) (csw,) (Cons w/4:05-CV-224Y) (Entered: 08/16/2006)
08/22/2006	<u>202</u>	PROTECTIVE ORDER REGARDING DISCLOSURE OF CONFIDENTIAL MATERIAL...See order for specifics. (Signed by Judge Charles Bleil on 8/22/06) (jmb,) (Entered: 08/22/2006)
08/23/2006	<u>203</u>	Unopposed MOTION to Stay <i>Deadlines in Amended Scheduling Order</i> by Digital Packet Licensing Incorporated (Attachments: # <u>1</u> Text of Proposed Order)(Bruculeri, Louis) (Entered: 08/23/2006)
08/25/2006	<u>204</u>	NOTICE by Digital Packet Licensing Incorporated <i>of Producing Agreement</i> (Casto, Edward) (Entered: 08/25/2006)
08/28/2006	<u>205</u>	ORDER granting <u>203</u> Motion to Stay (Signed by Judge Terry R Means on 8/28/06) (jmb,) (Entered: 08/28/2006)
08/28/2006	<u>206</u>	OBJECTION filed by Digital Packet Licensing Incorporated re <u>200</u> Order on Motion to Compel, Order on Motion for Protective Order, Order on Motion for Leave to File (Attachments: # <u>1</u> Exhibit a) (Bruculeri, Louis) (Entered: 08/28/2006)
08/28/2006	<u>207</u>	OBJECTION filed by Digital Packet Licensing Incorporated re <u>202</u> Protective Order (Attachments: # <u>1</u> Appendix A)(Bruculeri, Louis) (Entered: 08/28/2006)
08/30/2006	<u>208</u>	NOTICE by Nortel Networks Inc, Bell Atlantic Communications Inc, SBC Internet Services Inc, Central Telephone Company of Texas, Sprint Corporation Of Non-Opposition To <u>192</u> Motion For Substitution (Rodriguez, Fernando) (Entered: 08/30/2006)
09/18/2006	<u>209</u>	Unopposed MOTION for Leave to File First Amended Complaint by Nortel Networks Inc (Attachments: # <u>1</u> Appendix In Support Of Nortel's Unopposed Motion For Leave To File First Amended Complaint)(Hosch, Charles) (Entered: 09/18/2006)
09/18/2006	<u>210</u>	RESPONSE in Opposition filed by Nortel Networks Inc re <u>207</u> Objection <i>Nortel's And Infringement Defendants' Response To Digital Packet Licensing Inc.'s Objections To Magistrate Judge Bleil's Entry Of The Protective Order On August 22, 2006</i> (Attachments: # <u>1</u> Appendix In Support of Nortel's And Infringement Defendants' Response To Digital Packet Licensing Inc.'s Objections To Magistrate Judge Bleil's Entry Of The Protective Order On August 22, 2006 - Part I# <u>2</u> Appendix In Support of Nortel's And Infringement Defendants' Response To Digital Packet Licensing Inc.'s Objections To Magistrate Judge Bleil's Entry Of The Protective Order On August 22, 2006 - Part II)(Hosch, Charles) (Entered: 09/18/2006)
10/03/2006	<u>211</u>	REPLY TO RESPONSE filed by Digital Packet Licensing Incorporated re <u>210</u> Response in Opposition,(Rutherford, Keith) Modified on 10/4/2006 (csw,). (Entered: 10/03/2006)
10/10/2006	<u>212</u>	MOTION for Leave to File Sur-Reply In Opposition to Digital Packet's

		Objections to Order Granting Motion for Protective Order by Bell Atlantic Communications Inc (Attachments: # <u>1</u> Exhibit A)(Rodriguez, Fernando) (Entered: 10/10/2006)
10/24/2006	<u>213</u>	ORDER granting <u>209</u> Motion for Leave to File First Amended Complaint and Rendering Moot Defendant Digital Packet Licensing's Objections to Magistrate Judge's Order...Plaintiff Nortel to file amended complaint separately in accordance with this order and the Court's June 13, 05 order designating case for electronic filing. Defendant DPL's objections to the magistrate's order regarding DPL's motion to compel are RENDERED MOOT. (Signed by Judge Terry R Means on 10/24/06) (jmb,) (Entered: 10/24/2006)
10/25/2006	<u>214</u>	RESPONSE in Opposition filed by Digital Packet Licensing Incorporated re <u>212</u> MOTION for Leave to File Sur-Reply In Opposition to Digital Packet's Objections to Order Granting Motion for Protective Order (Rutherford, Keith) (Entered: 10/25/2006)
10/27/2006	<u>215</u>	AMENDED COMPLAINT <i>For Delcaratory Judgment Of Noninfringement And Invalidity</i> against Digital Packet Licensing Incorporated filed by Nortel Networks Inc. (Attachments: # <u>1</u> Appendix Supplementary Appendix)(Hosch, Charles) (Entered: 10/27/2006)
10/27/2006	<u>216</u>	ADDITIONAL ATTACHMENTS <i>Attorney Letter to the Court</i> to <u>215</u> Amended Complaint by Consol Plaintiff Nortel Networks Inc. (Hosch, Charles) (Entered: 10/27/2006)
10/30/2006	<u>217</u>	Correspondence from Attorney Maureen R Aidasani on behalf of Nortel Networks Inc, re: Amended Complaint. (dld,) (Entered: 10/30/2006)
11/21/2006	<u>218</u>	ORDER granting <u>192</u> Motion to Substitute Party. Vonage Holdings Corporation rep by Jonathan T Suder, and Vonage Holdings Corporation rep by Jonathan T Suder added. Digital Packet Licensing Incorporated; Digital Packet Licensing Incorporated; Digital Packet Licensing Incorporated; Digital Packet Licensing Incorporated; Digital Packet Licensing Incorporated and Digital Packet Licensing Incorporated terminated (Signed by Judge Terry R Means on 11/21/2006) (csw) (Entered: 11/22/2006)
11/28/2006	<u>219</u>	ORDER granting <u>212</u> Motion for Leave to File Sur-Reply...Nortel and Infringement Dfts may file their sur-reply no later than three days from the date of this order. Although the sur-reply is attached to this motion for leave, the Court directs that it be filed separately in accordance with this order and the Court's 13 June 2005 order designating this case for electronic case filig. See order for specifics. (Signed by Judge Terry R Means on 11/28/2006) (csw) (Entered: 11/28/2006)
11/28/2006	<u>220</u>	Sur-reply filed by Nortel Networks Inc, Bell Atlantic Communications Inc, SBC Internet Services Inc, Central Telephone Company of Texas, Sprint Corporation re <u>212</u> MOTION for Leave to File Sur-Reply In Opposition to Digital Packet's Objections to Order Granting Motion for Protective Order (Rodriguez, Fernando) (Entered: 11/28/2006)

12/28/2006	<u>221</u>	ORDER OVERRULING PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGE'S ENTRY OF A PROTECTIVE ORDER...The Court OVERRULES Vonage's objections and AFFIRMS the magistrate's order. Vonage's request for a forty-five day stay is DENIED. (Signed by Judge Terry R Means on 12/28/06) (jmb,) (Entered: 12/28/2006)
01/11/2007	<u>222</u>	***UNFILED***Wong, Cabello, Lutsch, Rutherford & Brucceleri's MOTION to Withdraw as Attorney by Digital Packet Licensing Incorporated, Vonage Holdings Corp.(Rutherford, Keith) Modified on 1/12/2007 (Entered: 01/11/2007)
01/11/2007	<u>223</u>	Proposed Amended Joint Discovery Plan by Nortel Networks Inc, Bell Atlantic Communications Inc, SBC Internet Services Inc, Vonage Holdings Corporation, Sprint Corporation (Rodriguez, Fernando) (Entered: 01/11/2007)
01/12/2007	<u>224</u>	Order Unfiling <u>222</u> MOTION to Withdraw as Attorney filed by Vonage Holdings Corporation, Digital Packet Licensing Incorporated due to the following deficiency: Motion must include certificate of conference (Signed by Judge Terry R Means on 1/12/07) (jmb) (Entered: 01/12/2007)
01/12/2007	<u>225</u>	Amended MOTION to Withdraw as Attorney by Digital Packet Licensing Incorporated (Rutherford, Keith) (Entered: 01/12/2007)
01/22/2007	<u>226</u>	ORDER ADOPTING PARTIES' PROPOSED AMENDED JOINT DISCOVERY PLAN: Parties are ORDERED to strictly comply with the schedule outlined and agreed to in the propose d joint discovery plan. (Signed by Judge Terry R Means on 1/22/2007) (csw) (Entered: 01/22/2007)
01/29/2007	<u>227</u>	ORDER granting <u>225</u> Motion to Withdraw as Attorney. Attorney Russell T Wong; Louis Brucculeri and Keith A Rutherford terminated. (Signed by Judge Terry R Means on 1/29/2007) (csw) (Entered: 01/29/2007)
01/29/2007	<u>228</u>	ORDER APPROVING PARTIES' PROPOSED AMENDED JOINT DISCOVERY PLAN: Parties are ORDERED to abide by the terms outlined in their amended joint discovery plan (doc #223). (Cons w/4:05-CV-224 Y) (Signed by Judge Terry R Means on 1/29/2007) (csw) (Entered: 01/29/2007)
02/05/2007	<u>229</u>	Application and Order for Admission Pro Hac Vice by William M. Bosch...clerk shall deposit appl. fee to non-appropriated fund of this court; Fee \$25.00, Receipt # FW2410 (Signed by Judge Terry R Means on 2/5/07) (pdm) (Entered: 02/05/2007)
02/05/2007	<u>230</u>	Application and Order for Admission Pro Hac Vice by Scott W. Doyle...clerk shall deposit appl. fee to non-appropriated fund of this court; Fee \$25.00, Receipt # FW2410 (Signed by Judge Terry R Means on 2/5/07) (pdm) (Entered: 02/05/2007)
02/05/2007	<u>231</u>	Application and Order for Admission Pro Hac Vice by Anthony Onorato...clerk shall deposit appl. fee to non-appropriated fund of this

		court; Fee \$25.00, Receipt # FW2410 (Signed by Judge Terry R Means on 2/5/07) (pdm) (Entered: 02/05/2007)
02/05/2007	<u>232</u>	Application and Order for Admission Pro Hac Vice by R. Whitney Winston...clerk shall deposit appl. fee to non-appropriated fund of this court; Fee \$25.00, Receipt # FW2410 (Signed by Judge Terry R Means on 2/5/07) (pdm) (Entered: 02/05/2007)
02/09/2007	<u>233</u>	Designation of Lead Counsel Scott W. Doyle (Jury Trial Demanded) by Vonage Holdings Corporation (Suder, Jonathan) (Entered: 02/09/2007)
02/09/2007	<u>234</u>	MOTION to Compel <i>Interrogatory Responses</i> by SBC Internet Services Inc with Brief in Support. (Attachments: # <u>1</u> Appendix # <u>2</u> Text of Proposed Order) (Emerson, John) (Entered: 02/09/2007)
02/13/2007	<u>235</u>	ORDER REGARDING DEFENDANT'S MOTION TO COMPEL... deferring ruling on <u>234</u> Motion to Compel. The parties shall confer and make a good faith effort to resolve this discovery dispute by Feb 20, 07. If unable to resolve the dispute, SBIS shall notify the Court, NLT Feb 23, 07. If able to resolve part, but not all of the dispute, SBIS shall file an amended motion NLT Feb 26, 07. Vonage's responses to any remaining discovery motions, shall be filed NLT Mar 2, 2007. (Signed by Judge Terry R Means on 2/13/07) (jmb) (Entered: 02/13/2007)
02/23/2007	<u>236</u>	NOTICE by SBC Internet Services Inc Concerning <u>235</u> Order on SBIS' Motion to Compel (Attachments: # <u>1</u> Notice) (Sheehan, Adam) (Entered: 02/23/2007)
02/26/2007	<u>237</u>	ORDER MOOTING DFT'S MOTION TO COMPEL...2/23/2007 Parties filed a notice informing Court that the parties have conferred and resolved the discovery dispute. Consequently, finding as moot <u>234</u> Motion to Compel (Signed by Judge Terry R Means on 2/26/2007) (csw) (Entered: 02/26/2007)
03/14/2007	<u>238</u>	NOTICE of Attorney Appearance by Mark C Nelson on behalf of Central Telephone Company of Texas (Nelson, Mark) (Entered: 03/14/2007)
03/19/2007	<u>239</u>	ANSWER to Amended Complaint <i>Affirmative Defenses</i> with Jury Demand by Vonage Holdings Corporation, COUNTERCLAIM against Nortel Networks Inc filed by (Casto, Edward) (Entered: 03/19/2007)
03/19/2007	<u>240</u>	Opposed MOTION for Leave to Amend/Correct <u>88</u> Third Amended Complaint by Vonage Holdings Corporation (Attachments: # <u>1</u> Exhibit 1) (Casto, Edward) (Entered: 03/19/2007)
03/19/2007	<u>241</u>	Brief/Memorandum in Support filed by Vonage Holdings Corporation re <u>240</u> MOTION to Amend/Correct <u>88</u> Amended Complaint [<i>Opposed</i>] Motion for Leave to Amend (Casto, Edward) (Entered: 03/19/2007)
04/09/2007	<u>242</u>	Nortel's ANSWER to Counterclaim by Vonage Holding Corp by Nortel Networks Inc (Hosch, Charles) (Entered: 04/09/2007)
04/09/2007	<u>243</u>	RESPONSE filed by Nortel Networks Inc, Bell Atlantic Communications Inc, SBC Internet Services Inc, Sprint Communications Company L.P. re

		<u>240</u> MOTION to Amend/Correct <u>88</u> Amended Complaint [<i>Opposed</i>] Motion for Leave to Amend Vonage Holding Corp.'s Motion for Leave to Amend (Hosch, Charles) (Entered: 04/09/2007)
04/16/2007	<u>244</u>	***UNFILED***MOTION Admission Pro Hac Vice <i>Robert H. Reckers</i> by Sprint Communications Company L.P. (Courington, Lea) Modified on 4/16/2007 (jmb). (Entered: 04/16/2007)
04/16/2007	<u>245</u>	***UNFILED*** MOTION Admission Pro Hac Vice of <i>Walter R. Brookhart</i> by Sprint Communications Company L.P. (Courington, Lea) Modified on 4/16/2007 (jmb). (Entered: 04/16/2007)
04/16/2007	<u>246</u>	Order Unfiling <u>244</u> MOTION for Admission Pro Hac Vice <i>Robert H. Reckers</i> and Unfiling <u>245</u> Motion for Admission Pro Hac Vice by <i>Walter R. Brookhart</i> filed by Sprint Communications Company L.P. due to the following deficiency: This form must be submitted in paper as it requires the Judge's signature before filing. (Signed by Judge Terry R Means on 4/16/07) (jmb) (Entered: 04/16/2007)
04/19/2007	<u>247</u>	Application and Order for Admission Pro Hac Vice by <i>Walter R. Brookhart</i> for Sprint Corporation (Signed by Judge Terry R Means on 4/19/07) (jmb) (Entered: 04/19/2007)
04/19/2007	<u>248</u>	Application and Order for Admission Pro Hac Vice by <i>Robert H. Reckers</i> for Sprint Corporation (Signed by Judge Terry R Means on 4/19/07) (jmb) (Entered: 04/19/2007)
05/07/2007	<u>249</u>	ORDER granting <u>240</u> Motion for Leave to file Fourth Amended Complaint. Plaintiff may file its fourth amended complaint no later than three days from the date of this order. (Cons w/4:05-CV-224Y) (Signed by Judge Terry R Means on 5/7/2007) (csw) (Entered: 05/07/2007)
05/09/2007	<u>250</u>	AMENDED COMPLAINT (<i>Fourth</i>) against all defendants filed by Vonage Holdings Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C) (Suder, Jonathan) (Entered: 05/09/2007)
05/23/2007	<u>251</u>	Motion for Extension of Time to File Answer to <i>Plaintiff's Fourth Amended Complaint</i> by Sprint Communications Company L.P. (Attachments: # <u>1</u> Text of Proposed Order) (Balch, Jenifer) (Entered: 05/23/2007)
05/23/2007	<u>252</u>	ANSWER to Amended Complaint by Bell Atlantic Communications Inc, COUNTERCLAIM against Vonage Holdings Corporation filed by (Durst, Timothy) (Entered: 05/23/2007)
05/23/2007	<u>253</u>	<i>Central Telephone Company of Texas'</i> ANSWER to Amended Complaint <i>4th Amended Complaint</i> by Vonage by Central Telephone Company of Texas, COUNTERCLAIM against Vonage Holdings Corporation filed by (Nelson, Mark) (Entered: 05/23/2007)
05/24/2007	<u>254</u>	ORDER granting <u>251</u> Motion for Extension of Time to File Answer Sprint Communications Company L.P. answer due nlt 11:59pm 6/6/2007. (Signed by Judge Terry R Means on 5/24/07) (jmb) (Entered: 05/24/2007)

05/25/2007	<u>255</u>	ANSWER to Amended Complaint by SBC Internet Services Inc (Sheehan, Adam) (Entered: 05/25/2007)
05/29/2007	<u>256</u>	***UNFILED PER 6/5/2007 ORDER***Proposed Amended Joint Scheduling Order by Vonage Holdings Corporation(Declaratory Judgment Defendant), Vonage Holdings Corporation. (Onorato, Anthony) Modified on 5/30/2007 (csw). Modified on 6/5/2007 (csw). (Entered: 05/29/2007)
06/05/2007	<u>257</u>	Order Unfiling 256 Proposed Scheduling and Discovery Order filed by Vonage Holdings Corporation due to the following deficiency: This document is not a motion but a proposed order. (Signed by Judge Terry R Means on 6/5/2007) (csw) (Entered: 06/05/2007)
06/05/2007	<u>258</u>	Joint MOTION to Amend/Correct <i>Scheduling Order</i> by Vonage Holdings Corporation (Attachments: # <u>1</u> Text of Proposed Order) (Onorato, Anthony) (Entered: 06/05/2007)
06/06/2007	<u>259</u>	ANSWER to Complaint by Sprint Communications Company L.P., COUNTERCLAIM against Vonage Holdings Corporation(Declaratory Judgment Defendant) filed by (Balch, Jenifer) (Entered: 06/06/2007)
06/12/2007	<u>260</u>	ORDER granting 258 Motion to Amend Scheduling Order...see order for specifics. (Signed by Judge Terry R Means on 6/12/2007) (csw) (Cons w/4:05-CV-224 Y) (Entered: 06/12/2007)
06/15/2007	<u>261</u>	ANSWER to Counterclaim of <i>Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance</i> by Vonage Holdings Corporation, Vonage Holdings Corporation(Declaratory Judgment Defendant) (Bosch, William) (Entered: 06/15/2007)
06/15/2007	<u>262</u>	ANSWER to Counterclaim of <i>Central Telephone Company of Texas</i> by Vonage Holdings Corporation, Vonage Holdings Corporation (Declaratory Judgment Defendant) (Bosch, William) (Entered: 06/15/2007)
06/15/2007	<u>263</u>	ANSWER to Counterclaim of <i>Sprint Communications Company LP</i> by Vonage Holdings Corporation, Vonage Holdings Corporation (Declaratory Judgment Defendant) (Bosch, William) (Entered: 06/15/2007)
07/17/2007	<u>264</u>	MOTION for Leave to Amend Nortel's Response to Vonage's Counterclaim <u>242</u> Answer to Counterclaim by Nortel Networks Inc (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C) (Hosch, Charles) Modified on 7/18/2007 (jmb). (Entered: 07/17/2007)
07/18/2007	<u>265</u>	Application and Order for Admission Pro Hac Vice by Scott R. Samay for Nortel Networks Inc (Signed by Judge Terry R Means on 7/18/07) (dld) (Entered: 07/18/2007)
07/18/2007	<u>266</u>	Application and Order for Admission Pro Hac Vice by Howard I Shin for Nortel Networks Inc (Signed by Judge Terry R Means on 7/18/07) (dld) (Entered: 07/18/2007)

08/07/2007	<u>267</u>	NOTICE of Attorney Appearance by Ralph H Duggins on behalf of Vonage Holdings Corporation, Vonage Holdings Corporation (Declaratory Judgment Defendant) (Duggins, Ralph) (Entered: 08/07/2007)
08/07/2007	<u>268</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>264</u> MOTION to Amend/Correct <u>242</u> Answer to Counterclaim <i>for Leave To Amend Nortel's Response To Vonages's Counterclaim</i> MOTION to Amend/Correct <u>242</u> Answer to Counterclaim <i>for Leave To Amend Nortel's Response To Vonages's Counterclaim</i> by Vonage Holdings Corporation, Vonage Holdings Corporation (Declaratory Judgment Defendant) (Duggins, Ralph) (Entered: 08/07/2007)
08/07/2007	<u>269</u>	*SEALED* Opposition to Nortel's Motion For Leave to Amend Nortel's Response to Vonage's Counterclaim by Vonage Holdings Corporation. (csw) (Cons w/4:05-cv-224 Y) Modified on 8/7/2007 (White, Charlotte). (Entered: 08/07/2007)
08/07/2007	<u>270</u>	*SEALED* Appendix in Support [269] Sealed Document by Vonage Holdings Corporation. (csw) (Cons w/4:05-CV-224 Y) Modified on 8/7/2007 (White, Charlotte). (Entered: 08/07/2007)
08/09/2007	<u>271</u>	ORDER granting <u>268</u> Motion to Extend Time to File Response/Reply. Vonage's response shall be deemed timely filed. (Signed by Judge Terry R Means on 8/9/07) (jmb) (Entered: 08/09/2007)
08/22/2007	<u>272</u>	MOTION to Withdraw as Attorney of <i>Friedman, Suder & Cooke, P.C., Jonathan T. Suder and Edward E. Castro, Jr.</i> by Vonage Holdings Corporation (Duggins, Ralph) (Entered: 08/22/2007)
08/22/2007	<u>273</u>	REPLY filed by Nortel Networks Inc re <u>264</u> MOTION to Amend/Correct <u>242</u> Answer to Counterclaim <i>for Leave To Amend Nortel's Response To Vonages's Counterclaim</i> MOTION to Amend/Correct <u>242</u> Answer to Counterclaim <i>for Leave To Amend Nortel's Response To Vonages's Counterclaim</i> Reply to Vonage's Opposition To Motion For Leave (Hosch, Charles) (Entered: 08/22/2007)
08/24/2007	<u>274</u>	ORDER granting <u>272</u> Unopposed Motion to Withdraw as Attorney. Attorney Edward E Casto, Jr and Jonathan T Suder terminated as cnsl. of record for Vonage Holdings Corp. (Signed by Judge Terry R Means on 8/24/07) (pdm) (Entered: 08/24/2007)
09/07/2007	<u>275</u>	MOTION for Leave to File Sur-Reply to Nortel's Reply to Vonage's Opposition to Motion for Leave by Vonage Holdings Corporation, Vonage Holdings Corporation (Declaratory Judgment Defendant) (Attachments: # <u>1</u> Exhibit A) (Duggins, Ralph) (Entered: 09/07/2007)
09/27/2007	<u>276</u>	RESPONSE in Opposition filed by Nortel Networks Inc re <u>275</u> MOTION for Leave to File Sur-Reply to Nortel's Reply to Vonage's Opposition to Motion for Leave <i>Nortel's Opposition To Vonage's Motion For Leave To File Sur-Reply</i> (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4) (Hosch, Charles) (Entered: 09/27/2007)

09/28/2007	<u>277</u>	Joint MOTION to Extend Time Extension of Scheduling Order Deadlines by Nortel Networks Inc, Bell Atlantic Communications Inc, SBC Internet Services Inc, Central Telephone Company of Texas, Sprint Communications Company L.P., Vonage Holdings Corporation, Vonage Holdings Corporation(Declaratory Judgment Defendant) (Fredricks, Scott) (Entered: 09/28/2007)
10/02/2007	<u>278</u>	ORDER granting <u>277</u> Joint Motion to Extend Deadling...Deadline for service of proposed claim construction statement 10/22/007; Deadline to serve a response 11/21/2007; Deadline for parties to exchange a list of claim terms, phrases or clauses 11/28/2007; Deadline for parties to meet and confer regarding claim terms 12/10/2007; Deadline for parties to meet and confer for purpose of joint claim construction statement is 12/21/2007. (Cons w/4:05-cv-224Y) (Signed by Judge Terry R Means on 10/2/2007) (csw) (Entered: 10/02/2007)

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PACER Login:	ws0010	Client Code:	008135.00002
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EXHIBIT 2

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

VONAGE HOLDINGS CORP.,

Plaintiff,

v.

SBC INTERNET SERVICES, INC.,
SPRINT COMMUNICATIONS CO., L.P.,
CENTRAL TELEPHONE COMPANY OF
TEXAS, and BELL ATLANTIC
COMMUNICATIONS, INC., d/b/a
VERIZON LONG DISTANCE,

Defendants,

AND

NORTEL NETWORKS INC.,

Plaintiff,

v.

VONAGE HOLDINGS CORP.,

Defendant.

NO. 4-04-CV-548-Y
Consolidated with 4-05-CV-224-Y

**VONAGE HOLDING CORP.'S MOTION FOR LEAVE TO SUBMIT SUR-REPLY TO
NORTEL'S REPLY TO VONAGE'S OPPOSITION TO MOTION FOR LEAVE**

Infringement Plaintiff Vonage Holdings Corp. ("Vonage") respectfully requests that this Court grant it leave to file the Sur-reply attached at Exhibit A in order to respond to inaccurate statements in Nortel's Reply to Vonage's Opposition to Motion for Leave to amend its counterclaims (the "Nortel Reply"). In support, Vonage would show:

1. On July 17, 2007, Nortel filed its motion for leave to amend its response to Vonage's counterclaims, filed March 19, 2007.

2. Vonage opposed Nortel's motion on August 7, 2007, and Nortel replied on August 22, 2007.

3. As explained more fully in the attached Sur-reply, the Nortel Reply inaccurately states facts and ignores relevant facts relating to the adverse and prejudicial effect of adding three new, distinct patents (the "Nortel Patents") into this case, at this stage of its history. In particular, Nortel's suggestions that the current case schedule will not be adversely impacted are just plain wrong because:

(a) Nortel conditioned meeting the first deadline (and subsequent deadlines) of the Court's Schedule, *i.e.*, the date for Plaintiff's claim constructions and infringement contentions, with one important and knowingly unachievable caveat – that Vonage actively respond within the next couple of weeks to recently served discovery requests by Nortel relating to the Nortel Patents, notwithstanding that the Nortel Patents are not currently part of this or any other lawsuit between the parties. In other words, Nortel has purported to burden Vonage with substantial discovery before this Court has had the opportunity to address and rule whether the Nortel Patents will become issues in the case. Vonage has advised Nortel that it objects to, and does not plan to respond to those irrelevant discovery requests. Even if this Court later grants Nortel leave to amend and add the Nortel Patents to this lawsuit, the due date for Vonage to respond to discovery requests would fall well after the September 30 deadline, thereby creating delays to the existing cutoffs. More importantly, Vonage should not be expected to complete invalidity contentions with respect to the Nortel Patents by October 31, 2007;

(b) There is no nexus – and Nortel does not even attempt to illustrate one – between the technologies covered by the patents in suit and the Nortel Patents. Therefore, the new discovery does not overlap and create efficiencies. To the contrary, inclusion of the Nortel Patents in this case at least doubles the scope and extent of discovery. That in turn would require a total restructuring of the schedule;

(c) Twice the number of patents and the resultant significant expansion of discovery, contentions, and experts means that the upcoming September 30, October 31, and November 7 deadlines, and all following deadlines will ultimately be pushed back several months; and

(d) Contrary to Nortel's claim, Vonage never negotiated the current schedule knowing that Nortel might try to claim patent infringement in *this* lawsuit. If anything, Vonage believed Nortel would raise any such patent claims in a separate action.

4. Finally, Nortel incorrectly asserts that Vonage, through its recent filing of a Declaratory Judgment of Noninfringement and Invalidity of the Nortel Patents in Delaware, is forum shopping. To the contrary, Vonage is more than willing to litigate the Nortel patents in this Court provided Nortel's claims are litigated in a new and separate case.

5. For the reasons stated herein, granting leave to file the attached Sur-reply will assist the Court and advance the interests of this litigation by correcting and completing the Court's record.

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WHEREFORE, Vonage respectfully requests leave to file its Sur-reply attached as Exhibit A.

Respectfully submitted,

Dated: September 7, 2007

s/ Ralph H. Duggins

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**COUNSEL FOR VONAGE HOLDINGS
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CERTIFICATE OF CONFERENCE

I certify that on September 7, 2007, I conferred with Michael Brody, counsel for Nortel Networks, Inc., regarding Vonage's Motion for Leave to Submit Sur-reply to Nortel's Reply to Vonage's Opposition to Motion for Leave, and Mr. Brody stated that Nortel will oppose the same.

s/ Anthony A. Onorato
Anthony A. Onorato

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2007, I electronically filed the foregoing VONAGE HOLDING CORP.'S MOTION FOR LEAVE TO SUBMIT SUR-REPLY TO NORTEL'S REPLY TO VONAGE'S OPPOSITION TO MOTION FOR LEAVE with the Clerk of the Court by CM/ECF, which will serve all counsel of record by notice of electronic filing, pursuant to Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 5.1(d).

s/ Ralph H. Duggins

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